FEDERAL CONSULTATION WITH TRIBES REGARDING INFRASTRUCTURE DECISION-MAKING

Taken at
RUSHMORE PLAZA HOLIDAY INN
505 N. 5th Street
Rapid City, South Dakota
November 17, 2016
MR. TRACY TOULOU: So to get started right today, and then we'll go into introductions, Virgil Taken Alive has agreed to come up and give us a blessing so everything goes well today.

MR. VIRGIL TAKEN ALIVE: Good morning, friends and relatives. Welcome you all to the heart of everything that is, the beautiful He Sapa.

And, you know, I camped at the NoDAPL camp for five weeks. I'm 63 years old, and I've been walking our way of life for three decades, a little bit more. It was really (unintelligible) time for me sitting in that camp with all the people that came, the prayers that they brought. I learned something while I was there, or I realized something while I was there, that on my mother's side she had a grandmother named -- great grandmother named Naley (phonetic) White Face Dog Eagle, my great, great, great grandmother. She was a survivor at Wounded Knee.

And on my father's side I also have a great, great grandmother that fled when what was happening in Minnesota, her and her brothers and sister. So I'm also a survivor of that massacre. I didn't
realize that until I was there. And the prayer and spirituality that was in that camp was so amazing. I think I have a nephew from Crow Creek, Mr. Sazue, that was there and can vouch for me, along with other nephews at camp. And to watch what was going on and to hear what was going on was totally absurd. Water is life. (Native language).

So I thank you for asking me to offer the prayer this morning. We pray for all of humanity because water is life. And fresh drinking water is depleting throughout the world. So I just wanted to give us that thought and put us in the direction of humanity and the generations to come.

(Blessing in Native Language)

MR. TRACY TOULOU: Thank you very much.

So we're going to get started here. And I just wanted to talk a little bit about how we're going to go through today. As to start, we're going to have the panel introduce themselves.

And then we're going to ask C.J. who's going to speak on behalf of the Great Plains Tribal Chairman's Association about consultation and how we need to consult in a good way.

And then what we're going to do is, with that start, run through a list. You all signed up back
there. And we're going to run through the tribal
leaders first because this is a
government-to-government consultation and they
represent the tribal governments. We'll pick up one
leader from each tribe, work through all the tribes
that are listed, and then go back to other tribal
leaders. Because I know some of you brought more
than one tribal leader. And then we'll reach out to
others who may have an interest in speaking today.

So you know who's up here today, just a real
brief introduction, my name is Tracy Toulou. I'm
not the Affairs Program Manager for the Department
of Justice. I'm actually the Director of the Office
of Tribal Justice of the Department of Justice.
I've been to a number of these consultations.
They've been very, very useful I think to all of us.
I learned a lot. And hopefully there's some good
things we can take away from this and make some
positive changes.

And I'm going to, I guess, start to my left.

MS. JO-ELLEN DARCY: Good morning, everyone.
I'm Jo-Ellen Darcy. I'm the Assistant Secretary of
the Army Civil Works. To my left is Chip Smith
who's my advisor for tribal affairs in my office.

I'd just like to recognize that there are
additional folks from the Army Corps of Engineers here today to listen. We have Lieutenant Colonel Vail who's with my office, in the back. We have Lisa Morales who is our Senior Tribal Liaison in the Army Corps of Engineers' headquarters. We have Jennifer Moyer who's our Chief of Regulatory. We have Colonel John Henderson who's our commander over the Omaha district. We have Joel Ames who is our tribal liaison for the Omaha district and Joe McMahan who's our regulatory chief in Omaha, and Tom Tracy who is our chief counsel. And then Colonel Eswis (phonetic) is joining us this morning, too. He's from our inter-city district.

Thank you for having us.

MR. CHARLES SMITH: Chip Smith, Army Civil Works. It's a pleasure to be here. I look forward to listening and learning and continuing to work on this next year, as I am a civil servant, and with any luck I'll roll over and keep working on the issues that we're here about today. Thank you.

MS. DARCY O'CONNOR: Good morning. I'm Darcy O'Connor. I'm the Assistant Regional Administrator for the Office of Water Protection at EPA in Region 8, Denver. I'm honored to be here today and listen. Thank you.
MS. VALERIE HAUSER: Good morning. I'm Valerie Hauser, the Director of the Office of Native American Affairs, the Advisory Council on Historic Preservation. I want to thank you for welcoming us to your homeland and thank you for coming to speak with us today. I look forward to hearing what you have to say about this very important topic. Thank you.

MR. TEDD BUELOW: Good morning, everyone. My name is Tedd Buelow. I work for USDA Rural Development as the tribal liaison. I work with all of our staff and tribes around the country. I'm also located in Denver, Colorado.

Just so you know why the USDA is at the table, we do help finance infrastructure projects with tribes and with non-tribal communities and properties for electric, water and broadband. So if you're ever interested in our projects and our programs, we'd like to talk to you about those as well.

But I'm also joined by some folks here from South Dakota and Denver from the USDA. Our State Director for Rural Development Bruce Jones is here with me, Jeff Zimprich who's the State Conservationist for the Natural Resource
Conservation Service. And then USDA Forest Service's Regional Tribal Director Susan Johnson is here. So I think that's the USDA contingencies.

It's a pleasure to be here. I'm honored, ready and excited to hear your comments today.

MR. LARRY ROBERTS: Good morning, everyone. My name is Larry Roberts. I am the, heading up Indian Affairs at the Department of Interior.

I wanted to start off by saying thank you all for traveling here today to be part of the consultation. I know that some of you have traveled from far away, left your families, left your duties that you have back at home. So thank you for doing that.

It amazes me that we're, in the history of our United States that we're just having this conversation on infrastructure development today in 2016. I think it's long overdue, and I think it's -- you know, it says something about all of the different agencies here consulting with tribal leadership on this important issue.

And the important issue is not only infrastructure but the importance of reserved treaty rights and trust responsibilities. As an Oneida person, our tribe signed a treaty with George
Washington in 1794. That treaty was broken the next year. And so as we have these conversations today about how to move forward in thoughtful planning for infrastructure, I look forward to all the knowledge that we're going to hear in this room. And hopefully we'll continue to push for a brighter path for our future generations.

MR. BRUCE LOUDERMILK: Good morning, everyone. My name is Bruce Loudermilk. I am the Director for the Bureau of Indian Affairs. It's great to be back in the Great Plains Region. Previous to my last position, I was the Regional Director here for the Great Plains Region in Aberdeen, South Dakota. I'm an enrolled member of the Fort Peck Sioux Tribe. It's nice to be back in Sioux Country.

MR. MATT MCGOVERN: Hi. I'm Matt McGovern with the U.S. Department of Energy. I'm a Senior Advisor of the Office of Energy, Policy and Systems Analysis and was here in South Dakota for nine years, so good to be back home today.

MR. JAMIE CONNELL: Good morning, everyone. I'm Jamie Connell. I'm the State Director for the Bureau of Land Management for Montana, North and South Dakota. Welcome. And thanks for not just traveling here today but getting home this
afternoon, which might be a little more difficult. It's a pleasure to be here with you.

I'd also like to introduce Mary Jo Rugwell who is our state director for Wyoming. We didn't want to take up two seats up here, but Mary Jo is here as well listening. And if there are questions during break, she'd be happy to chat with people. So thank you.

MS. CINDY PTAK: Good morning. My name is Cindy Ptak. I am the Acting Director for the Office of Tribal Transportation within the Office of Federal Lands Highway, the Federal Highway Administration in Washington, D.C. I'm actually here on behalf of Kenneth Martin who is our Deputy Assistant Secretary for Tribal Affairs.

I also wanted to introduce Colleen Vaughn who's also here sitting in front of me. She is representing the Secretary's Office of the Department of Transportation as well.

I'm honored to be here today. Thank you.

MS. CECI DEROBERTS: Good morning. My name is Ceci DeRoberts. I am with the Federal Permitting Improvement Steering Council. We're a new agency that was created last December from the FAST 41 Act. And our goals are to increase transparency and
accountability in the infrastructure permitting process. We're very excited to be here and to listen and to learn how to make things better.

MR. C.J. CLIFFORD: Good morning. My name is C.J. Clifford. I'm the elected representative from the Wounded Knee District on the Pine Ridge Indian Reservation.

I want to thank our guests and welcome them to the Black Hills, welcome them to our homeland. And I want to welcome you all for coming up to give your testimony.

But first I would like to kind of give a little background on my participation in consultation for a great number of years. It started back in 1990. And it brings me to the day here, traditional form of consultation as per signing up, getting up, testifying and handing in your written statements. You never know where they go. You never know if they're even looked at. But today I'm hoping with all the good change and doing something with the existing framework that's here, I had requested that an easel be brought up. I brought some pens. I want this to be meaningful. I want this to truly be meaningful from the government side to us. So as we go through today, if you have questions and you
would like a response from them, I would respectfully ask both parties to be respectful to each other but answer the questions to the best of your ability.

Since it's a government-to-government consultation, we have decision makers at this table today. We have decision makers sitting amongst us today. So it is a meaningful one.

So things today, as we go through, as we agree upon them and when we make sense of them, I would like the country to know that we are doing a mutual agreement with you all, and we'll write it down so that way we know when you go, you agree before you go, and we'll agree to what we wrote. And also -- so that way we know that we're getting a new start today.

I myself witnessed many consultations that have gone nowhere in Indian Country and I know that it falls the same on all of you guys. I know that from experience. Have our words and our letters even been acknowledged specifically here in the Dakotas? No, they haven't. But today I'm hoping as we go through and we talk about the infrastructure of consultation, that we come up with some rules, ground rules.
The old policy from the different departments, we need to get some sort of understanding, and they shouldn't differ very much from each other, other than how they're going to relate to programs that are underneath that department. But the process of consultation itself should be one that is unifying.

So as we go through this and we start our list of tribal leaders, I do not want to put a time limit on my people or anybody that wants to get up and talk. I'd just ask that you be respectful of people's time that is here that also are all waiting to speak.

And I think from this day forward, if we can consult and be able to come up here, just like I am now, and visit with you and talk about these rules -- I've waited many years for this moment to address consultation on consultation. And that's what this is. I want to make sure that we're treated right, as well as we treat you right, and we make some agreements today on this easel, which you guys can take the paperwork for a reminder, but everybody take note as we go through this. If we agree upon a good way about coming about this consultation, let's write it down so we know that we agreed upon this; we don't have to wait for two
months for a response. Because we know from experience, which wasn't good for us, that consultation never worked for us.

Now to broaden the subject, as we do consultation, let's not forget negotiated rule making. Negotiated rule making falls hand in hand with consultation. It's very important that we all understand that because there will be some things that come out of consultation that will require negotiated rule making, so that needs to be part of the subject today as per how it's going to be, how we're going to select people for the negotiated rule making. Because for too many years the government has had 51 percent at the table during the negotiated rule making. Today I want to see it made an even playing field, a respectful playing field, an agreed-upon playing field so that our voices will be heard and we know that they're going to be heard and that it isn't one sided and only one-sided's way. Because if I come into the game with 51 percent, you're guaranteed to lose no matter what. But if we can build a system that says upon mutual agreement with us today we're going to write it down and you will live with that, that would be greatly respected by us.
And with that I understand you have a list of tribal leaders that you would like to follow. So I'm asking that other people and you guys, that we work on this process today, that it ain't just one of those statements and you guys get up and leave here, that we're able to actually write down some agreements on this consultation process and negotiated rule making. Do not forget that negotiated rule making. Because at the table of negotiated rule making, 51 percent of the government, I want that to change, along with consultation, out of respect to the tribes and for you guys.

And with that, thank you. I'll be sitting up here as we go along. So (native language). Let's go.

MR. TRACY TOULOU: C.J., thank you for that. There was a lot of very good things said and I appreciate it. If I could just respond to a couple of the things, because you want us to respond. You don't have to -- you can sit down.

MR. C.J. CLIFFORD: No, I want to stand.

MR. TRACY TOULOU: So I want everybody to know that we are doing a transcript. I think taking notes and writing stuff down is great, but I didn't
mention there was a transcript being taken of
everything that we say today. So that's going to be
available.

There is a process that's in place that's
involved six other consultations. And our intent is
to have a report out in December on what is heard in
all of those consultations.

And so while one of the aspects you talked
about was, you know, putting agreements up, and
there are undoubtedly things we're going to be able
to agree on, there have also been six other
consultations, and we're going to have to factor
those in to that final report. Because people said
different things in different parts of the country.

And I guess the final thing is you talked about
us responding. And I agree. You know, I've been in
those consultations where people just sit quietly up
front and, you know, listen to the Indians in the
room. And I've been frustrated sometimes with
what's happened out there. We do not want that to
be the case here, nor do we want that to be the case
moving forward, because this is about doing
consultation better. So I appreciate that thought,
and I think we all agree with it here.

MR. C.J. CLIFFORD: Okay, it's very unfortunate
that you started your consultation beyond -- and I understand listening to a few reports that it was a traditional way of consultation, they got up and they gave their speeches and they handed in their records of say, but today, like I said, we're different in the Dakotas. We're the Sioux Nation. And we would like to be respected as that. So we do look at it as we are a different tribe. We're the Sioux Nation. And it's unfortunate they didn't have people like us or myself to stand up and mention this from the very start. Maybe I should have flew out to Washington and said it then.

But them both here (indicating), they're my brothers and sisters but they're not my tribe. But I can't do this here at home. And as a leader that's my job, when I sit down to negotiate with you, to consult with you, I want to be able to talk to you and I want to hear your voice back. I want it to start today.

I understand you got a stenographer over here. Thank you. But also whenever I write this down and my people see it and you guys agree, we know that's going to happen.

Because we don't know if you're going to change any words that we say from that. We don't know
that. I mean, I'm not accusing you of that.

THE COURT REPORTER: (The Court Reporter moves head from side to side.)

MR. C.J. CLIFFORD: You're saying you aren't. I'm just saying too many times, what comments -- like I said, it's very unfortunate the other tribes didn't think like this. But the things we do here in the Sioux Nation is not only going to affect us, it's going to affect the other Indian nations. And I'm sure they would respect that also. The rules that we make is not going to be made just for us.

And the way that consultation is run should be a little bit more friendly. Don't you kind of find it defensive kind of like a DAPL situation all of a sudden? We're standing here and, Wow, man, you got Indians, you know. Sitting like this is kind of like a defensive method, but sitting down and saying you're applying that, "This is the way we did it and this is how we're going to do this and we're going to run it through; you're going to give us your statements," I didn't ask for that. I ask that we agree upon things as we go through this and we write some of these things down, and then that way we don't have to wait; we actually know today when we
leave here that this is what we talked about and this is what was said and we're going to be righteous about it. You know why I know this? Because you're all good people and you're in leadership roles, big leadership roles that do things beyond local events here.

That's all I'm asking. I'm not asking you to continue to oppress us and apply your traditional rules of consultation. Because the notice was sent "consultation on consultation," so we gotta start somewhere. And today is the start.

Like I said, it's very unfortunate that the other tribes where you had the consultation -- and we don't want to get into that because the policy on consultation, I could visit with you on that and you wouldn't be able to brief me (unintelligible). It's the policy that you all wrote, that was written before you and that you just accepted it and governed it. But now that the opportunity is here to change it, let's change it and let's make it friendly and let's be good to each other. And I understand that, but also knowing that if I write an agreement down today, my people are going to be able to go home knowing we reached that and they agreed upon that. So we look forward to dealing in that
fashion.

And it's going to affect Indian nations equally, because we're not just about ourselves. These things that we're fighting are big, but we're only so big. So as we deal with the consultation process, that's what I'm talking about, I want to hear some feedback just like we did before I sat down. I like that. Thank you. That's what it's about. Today we're building some communications now.

I've really got some really tough questions. You know, if we want to start it like that, I have no problem asking those questions. But a couple of them questions would go to Colonel Henderson.

Because I thought about you all night long.

(Laughter)

MR. C.J. CLIFFORD: You know, to make light of things, you know that we can't sit here all stressed out and like that. So -- and I know Colonel Henderson here is sitting there feeling some sort of power like that. We want to be comfortable, but also we want to be honest and we want this to be right. We want to know that every time the government sends a consultation notice out to us that we're going to be treated good this time.
Because consultation is a form in a way that has beaten my people for too many years. It's been dictating.

These items here, this is really a nice one, these two items. It leaves it open for discussion, not some packet you sent me -- you didn't even send me a packet. I just got a letter saying, "Well, this is what we're going to consult on." I come in, give my testimony, go away and never hear nothing about it but you start a program anyway whether I liked it or not. That's how it's worked. It's proven. So let's change that today, and let's keep this communication open.

As we go through and we have some hard questions, if somebody is asking too hard of a question, we'll ask them to break it down. But I do know that there's a few of those questions that we'd like to be addressed to the Army Corps. So let's be reasonable and try to balance that out today and go forward. Like I said, I won't go far here. And we can go ahead and start. If you have your list ready and you'd like to call your first speaker up, let's get with it.

MR. TRACY TOULOU: Sounds good.

(Appause)
MR. TRACY TOULOU: Thanks, C.J.

I think we're all here because we know, you know, the system hasn't worked real well. And I appreciate the feedback. And I count on feedback during the sessions.

So the first tribal leader on the list is Dave Flute from Sisseton Wahpeton.

MR. DAVE FLUTE: I'll use this mic so I can see everybody up here.

(Native language.) First, for the record, my name is David Flute, Chairman of the Sisseton Wahpeton Sioux Tribe. Lake Traverse (Native language).

We ask that today the discussions we have and the words that you hear, that it would give you some knowledge and understanding of our Dakota people.

You know, I read this, "We look forward to your feedback as to how our agencies and Federal Government as a whole can improve federal decision-making processes that affect tribal lands, resources and treaty rights and ensure those decisions are fully consistent with our obligations to tribal nations." For the record, you know, being over in Mystic Lake, I appreciate -- I'm not going to take up as much time as I did there. But knowing
that Appendix C is conflicting with Section 106, that really needs to be addressed. And I know redundancy can be boring at times, but there's some times if it's repeated over and over and over -- like I see my brothers in uniform here, that training gets repetitious, but the more training you get, the more you hear it, it starts to really get enrooted into your thought process. So I would ask that those be really considered and looked at.

But also to add to that, you need to engage our tribal leaders. You need to engage the THPOs. You need to engage our legal teams. Because when you were talking, you mentioned you're recognizing that, our treaty rights and to ensure that those decisions are fully consistent "with our obligations to tribal nations". We are sovereign nations. We are sovereign nations, and you have to respect those treaties. Those are the law of the land. You know, your forefathers, our forefathers made those treaties with good consultation. They sat down the parameters.

And with our Dakota people and just for those in the audience, those that weren't here yesterday that heard me, when I say Dakota, I don't have to say Dakota, Lakota. It means everybody, "Dakota".
I just say it with a "D" dialect (Native language).

When they made those, there was good consultation. I believe that. But you have to understand there's a lot of promises broken. You hear that. That's what's happened for many years, so it's tough for some of the leaders to believe what the Federal Government is telling us. You tell us you're going to do one thing and you do something different.

And just to close, very briefly, that, you know, being a member, I served in Afghanistan. And I was at a few of those meetings when they meet with tribal leaders, tribal elders, the tribal leaders of those villages. And we called them tribal people. Those wells and schools and roads that are being built, they listen to those people there. Why are you not listening to the indigenous people in your own backyard? We're right here.

(Appplause)

MR. DAVE FLUTE: Take care of us here.

It's appalling that the first -- President Bush, and this is -- you can research this. He ordered pilots not to bomb the sacred sites in Iraq. He ordered that. You need to respect our sacred sites here of our people. We're very hospitable
people, but when you make us mad, we get very, you
know, we get very -- we get very upset because we
love this way of life. (Native language)

(Applause)

MR. TRACY TOULOU: Thank you, Chairman. And
thank you for your service and for all the many
veterans I know who are in the room today. And I'm
sure many of you will get up today. But thank you
all for your service.

So next on the list is Dave Archambault,
Chairman from Standing Rock.

MR. DAVE ARCHAMBAULT II: I brought my iPad so
I could make sure that I cover everything.

I had our tribal council meet earlier this
week, and we talked about what it is that we want to
say. And we take this really serious what's
happening here. We take it serious because it's an
opportunity for us, for the federal agencies to hear
us, not just for us today but so that we can change
policies and we can change policy -- we can reform
policies for the future so when we're no longer
here, we can look back and say, "What happened?"
And it's something like this that happened that's
going to make a difference for our kids when we're
no longer here.
So it's an honor and I'm thankful. It's an honor for me to be able to talk for our tribe and to hopefully give some dialogue so that you can hear what our issues are so we can make a better future for everyone.

So I'm going to read. And I usually don't read when I talk, but I wanted to make sure that our tribal council's message comes across and I don't forget. Because sometimes if I just talk, I forget a lot of the key points.

So the goal of this process should be simple, to make sure that the Federal Government does not approve infrastructure projects that harm our rights. Every federal agency must provide a fair process for meaningful consultation. Every federal agency must use tribal consultation to make decisions that actually protect our tribal rights and our tribal interests. The objective of consultation must be to find solutions that reflect full, prior and informed tribal consent.

Tribal consultation grew out of our opposition to DAPL. We oppose the Dakota Access Pipeline because of the importance of protecting our waters and Sacred Sites for the benefit of our children. While we saw that there are many good people working
in the Federal Government on these issues, the process itself seems broken. We saw that under the existing process, tribal interests can be completely ignored, which happened to us when the Corps of Engineers approved the Draft EA which ignored the Tribe even though the pipeline would cross Lake Oahe at the doorstep of our reservation. We have seen how important it is for consultation to take place at the beginning of the process and before key decisions are made, which did not happen with DAPL, where the pipeline route was changed to put us at risk without consulting with us at all. We have seen what happened when the Corps uses Appendix C regarding the National Historic Preservation Act which allowed Dakota Access Pipeline to intentionally bulldoze over our Sacred Sites. And we have seen how principles of environmental justice, which are intended to protect tribal communities from harm, are turned on their head and used against us. Overall, we have seen that many basic flaws have prevented tribal voices from being heard and tribal interests from being protected.

One big problem is that there's no common understanding among federal agencies of what constitutes meaningful consultation with tribes.
Different federal agencies have different views. An Executive Order to establish basic principles would be a good step towards correcting this. And such an order should make clear that tribal consultation must include tribes from the very beginning of the process. It should involve high level federal officials, be comprehensive and collaborative. But, most important, consultation must not just be a check-in-the-box exercise. Consistent with the trust responsibility, it must actually impact decisions and protect tribal rights. Consultation should be guided intentionally, internationally law principles -- consultation should be guided by international law principles that require full, prior and informed tribal consent. That must be the overall objective. The Federal Government must work with tribes to obtain tribal consent so that tribal rights and interests are protected.

It's difficult to have effective consultation if the federal personnel around the table do not know or understand the basic principles regarding tribes, treaties and the trust responsibilities. Sometimes it seems like federal officials simply lack any understanding of legal principles that we operate under. Federal officials who deal with
infrastructure approvals should be required to take
training to learn about tribes and our governing
legal principles. The Federal Government already
does this for the State Department. When foreign
service officers are sent overseas, cultural
competence training is required. That kind of
training would provide a basic underlying
understanding that could provide for more effective
consultation overall.

Our experience with DAPL shows some of the
problems in how federal agencies address Section 106
of the National Historic Preservation Act. The most
fundamental problem is the Corps' Appendix C. Under
Appendix C the Corps takes such a narrow view of
what must be examined that tribal consultation
becomes meaningless. Appendix C must be withdrawn,
and the regulations adopted by the Advisory Council
should be followed by the Corps.

And I would just say with Appendix C, we need
to ask the Advisory Council -- the Corps needs to
ask the Advisory Council how they deal with other
federal agencies, because they do work with other
federal agencies and it does work. But for some
reason the Corps continues to use Appendix C.

And another thing with Appendix C, in
government-to-government consultation, we ask for
government-to-government consultation and the Corps
confuses that with Section 106, Appendix C. So when
we confuse those two things and we try to blend them
together, neither one of them get addressed so we
don't have consultation.

Nationwide Permit 12 is intended to provide a
shortcut for approving utility lines that cross
waters of the United States but only where there are
minimal environmental effects. This is not the case
with crude oil pipelines. We have seen devastating
impacts from hundreds of oil pipelines across the
country, including Yellowstone and Kalamazoo spills.
The shortcut process for Nationwide Permit 12 fails
to protect our waters, our Treaty rights and our
rights to protect our sacred sites. This process
should be changed and Nationwide Permit 12 should
not apply to crude oil pipelines. There is a
separate consultation on Nationwide. So on
November 30th we're meeting with the Corps at
Standing Rock to have a consultation on Nationwide
Permit 12.

The government looks at crude oil pipelines in
a segmented way, never looking at cumulative impacts
of the project as a whole. In the case of the
Dakota Access Pipeline, there were four different states, three separate districts of the Corps of Engineers, and the Fish & Wildlife Service, each looking at different parts of -- each looking at different parts as if there were unrelated projects and not a single pipeline. This piecemeal approach makes no sense and it places a particular burden on Tribes which are seeking to protect -- which are seeking to protect their interests. Federal agencies should not (sic) recognize that part of their responsibility to tribes -- the federal agencies should not (sic) recognize that part of their responsibility to tribes is to ensure that decision making is not so segmented that tribal rights get lost in the shuffle. A full EIS should be required on all crude oil pipelines that cross aboriginal, historic treaty or Reservation territory.

Tribes have historically borne the burden of federally approved projects, as federal decisions have always protected non-Indian interests at the expense of tribes. The existing Executive Order on Environmental Justice should provide a way to address this problem, as each agency is required to address whether, address whether federal acts...
disproportionally affect tribal interests. But, as we have seen with DAPL, environmental justice is often applied in name only and tribal communities are still placed at risk. Part of the problem is that some of the tools and techniques used to evaluate environmental justice seem designed to address urban settings and don't apply to Reservations or rural settings. A half-mile buffer zone may make sense in evaluating the environmental impact for a highway in a city, but it makes no sense to say that a half-mile buffer protects Standing Rock from oil spills a half mile away up the river. A better implementation of environmental justice principles is needed. We suggest that the Council on the Environmental -- we suggest that the Council on Environmental Quality, EPA and the Interior join together to issue appropriate guidance for all federal agencies on environmental justice principles for Indian tribes.

Whenever there's new legislation that establishes a process for infrastructure decisions, tribal participation is vitally important. The FAST Act which -- was enacted in December 2015 to provide a streamlined federal permitting process for renewable and conventional energy projects. But as
the process is being established under the FAST Act, tribes are being left out. The FAST Act Steering Council needs to include tribal governments. And there should be a Tribal Trust Compliance Officer who would be responsible for identifying tribal concerns and working in collaboration with tribes to address those concerns.

While much can be done under existing law, legislation provides a more permanent solution to some of these problems. For example, while an Executive Order defining principles for consultation would be beneficial, for the long term, legislation codifying those principles could be even better. Legislation could also be helpful in broadening the role of the Advisory Council on Historic Preservation in resolving disputes over the Area of Potential Effects and other matters, or to clarify the need for an EIS for crude oil pipelines.

We appreciate that this Administration has recognized that more is needed to protect tribal rights in connection with federal decisions on infrastructure projects. As we look back on a Joint Statement issued by the Department of Army, Department of Interior, Department of Justice on
September 9th, we hope that two things can be accomplished. First, we urge the government to make the right decision and deny the easement that DAPL is seeking to cross Lake Oahe. And second, we urge you to use this nationwide consultation to establish a better process to protect tribes across the country with their lands, their waters and their sacred sites.

I just want to thank everybody for taking the time to listen while I read. Reading is not always easy, but I wanted to make sure that everything got across.

I could have went through each one and we could say, Do you agree to this? And I know that will take forever for us to do that. And this consultation process that we have is just that we need to put our statement out there, but there isn't that back and forth and -- not yet. So in the future maybe it's something that we can work on, if -- like what C.J. was recommending, there's so many points and so many issues with this, that it's difficult to know if you're hearing. The only thing that we can hope is that it's reflected in the end.

And so I just want to thank everybody. And that's all I have.
(Applause)

MS. JO-ELLEN DARCY: I want to just respond, Mr. Chairman. I just wanted to respond, in particular to Appendix C. I've been to three of these listening sessions and these consultations and have had folks at all six. And on all of those, the issue of Appendix C has been raised. And I just want everyone to know that we at the Army Corps of Engineers are working with the Historic Preservation Council to improve Appendix C. We've heard it repeatedly, so clearly it needs to be addressed and addressed soon. So I just want you to know that we're doing that.

MR. TRACY TOULOU: There was a lot there, and we really appreciate the depth of the feedback. If you do have a written statement or something to give of something you're reading from, it would be great if we could get a copy for the court reporter so we can make sure -- she's taking everything down, but it's great to have the actual document to put in the record if we can. So -- and if there's a problem, talk to me afterwards and we'll figure out how to get it.

So next up is Chairman Trudell from Santee Sioux.
MR. ROGER TRUDELL: Greetings to all of you that come for consultation. My name is Roger Trudell. I'm the Chairman of the Santee Sioux Nation in Nebraska.

And I know that there will be a lot of documentation, you know, submitted on behalf of the Great Sioux Nation and the Great Plains Tribal Chairman's Association, so I'm just going to take a few minutes to talk on a personal basis, I guess.

As you heard earlier, you know, we're really interwoven people. As you heard in the prayer this morning, the gentleman that gave the prayer, that he had relatives from the 1862 fight with the United States Government. The Santee Sioux Nation, we weren't called it at the time, but that's who we are, the (Native language) people. And we fought the United States Government because they were doing much like is going on today with our people that are up in Standing Rock who are trying to protect the water. They were oppressing us, trying to starve us to death, so we took arms against them. And the Hunkpapa people out here, the great visionary Sitting Bull, took our people in. A lot of our people he took in. Our people were scattered in all four directions. We suffered the largest massacre
of individuals in this country. 38 men were hung in a single hanging, December 26, 1862, the day after Christmas, entertainment for the people the day after Christmas. That wasn't good enough so they went and hung, kidnapped two of our leaders out of Canada and brought them back and hung them.

So we have a lot of mistrust in the United States Government. And the treaties that have been signed, you know, because I've heard with my own ears, "Well, those are just papers. You know, there's no value to them anymore." Those papers, those treaty papers are just as valuable as the Constitution of the United States. That is what authorized them. That's why they need to be recognized. And that's why when you sit down to consult with the tribes, you've got to consider the treaties. You've got to consult with the tribes about it.

These infrastructure projects, what effect are they going to have on the tribes? Whatever affects the Hunkpapa people up here at Standing Rock is eventually going to affect all of us down south as the river goes. Those all need to be taken into consideration.

And you've heard all the speakers talk about
the generations that follow us. The decisions to protect need to be made that protect our people for the next several generations, 20 to 25 years, so you're looking at 140, 150 years plus that when you put something in the ground or you take something out, is that going to impact our people in the future? If you put something in the water, is that going to impact our people like the dams have impacted us? And you've taken the best land of a lot of the tribes and they're all under water. We have hills and that's about it. All of those things have an impact on our future generations.

So I guess just in light of the framing paper that's out for the future consultations, it has to be a much better process. It can't be a Dear Tribal Leader letter.

I know that the colonel made the statement yesterday he followed up with every tribe on the basin, 28 I believe he said. Well, if something doesn't come across my e-mail, there's a good chance I'm not going to see that until it's already passed and it's history. So the process needs to start much earlier and has to take much more value on what the tribal people are saying. And it has to be based upon those treaties which are valid, as valid
as the Constitution of the United States.

Mitakuye oyasin.

(Appause)

MR. TRACY TOULOU: Thank you very much.

C.J.?

MR. C.J. CLIFFORD: I have a question for Secretary Roberts.

Secretary Roberts, under the current process for federal infrastructure projects, how is it that the Department of Interior ensures that treaty rights and federal trust responsibilities are considered and adhered to?

MR. LARRY ROBERTS: So we do that in a number of ways, but I think one of the reasons that we're having this consultation and series of consultations is because we don't have a uniform way of doing it every time. So, for example, sometimes tribal leaders and tribal leaders in this room have come to our office and said, you know, "We're concerned about a particular project, and we need the Department of Interior to become engaged." We learn of things that way. We become engaged with our Solicitor's Office, as well as with our office.

There's other times where federal agencies may reach out to us and ask, you know, "We're working on
an infrastructure project, and we want to know how to properly consult with tribes."

So it comes across in a number of different ways. But I view the Department of Interior as not only playing a role with the Department of Justice and other departments to say that this trust responsibility isn't just -- the treaties aren't just with the Department of Interior. The treaties are with the United States Government, and the United States Government has an obligation to uphold those trust and treaty responsibilities, and so informing federal agencies about that and working with tribes.

So we don't have a uniform process, but I think that that's something that we're all working on together to figure out, these infrastructure projects as they're moving forward, how do we learn about them, where they're being cited, which federal agency has a role in all of those and how do they impact Indian country.

MR. C.J. CLIFFORD: Thank you.

MR. TRACY TOULOU: Okay. Next is Casey Camp.

And excuse me, I'm going to butcher names because my handwriting is not great.

But Casey from Ponca, if you're here, could you
come up?

(No response)

MR. TRACY TOULOU: Okay, we'll come back. Oh.

MR. LARRY WRIGHT, JR.: My name is Larry Wright, Jr. I'm the Chairman of the Ponca Tribe, Nebraska. And I'm working with our relative Casey, councilwoman for the Ponca Tribe of Oklahoma. We share a common history, culture, tradition, our homelands on the Niobrara and Missouri River on the border of Nebraska, South Dakota.

And as we stated yesterday, what affects the rest of the Missouri River tribe affects our homeland as well, our sacred sites, our sacred burial sites. And even though we're an example of Federal Government policies to terminate us, move us out of our homelands, we're still here today. And the miles that separate us don't change the fact that our Ponca relatives in Oklahoma have that connection to our homeland as well. Our burial sites are still there on the banks of the Missouri, on the banks of the Niobrara and could be affected -- will be affected when there's a leak in our rivers impacted by that.

And so at this time I just wanted to stand here with my relative and as she has some prepared
statements to say. And as a Ponca Nation as a whole, we share in the concern and solidarity for these issues and looking at how this consultation affects us in moving forward with new infrastructure consultation.

And I just wanted to say real -- as an example of one thing that we were involved with that was a good thing is there's a road between our homeland in the Santee in Nebraska that the Corps was involved with. And consultation started early in that process. We were brought to the table. And that's the way it should be, but that's not always the case. And our tribes were able to work together to look at that.

And people look at the cost impact of projects and sometimes they want to take the shortcut and, "We'll put it over on this ridge because it's more cost effective." But we have burial sites there. Those are sacred sites to us. And so that process has been drawn out. And that's an example of how this situation can work between tribes and the Federal Government and the agencies. And that's -- but that's the exception to what usually is done. And so those are the kinds of things that we would like to see improve and be successful when we're
brought to the table early in the process so we can provide that, so we can show this is what impacts us that people don't know about that are passed down through our oral history and we know where those things are.

So with that, I would like to turn this over to Councilwoman.

MS. CASEY CAMP-HORINEK: (Native language) relative, we're speaking. That's our traditional way. But as a councilwoman for the Ponca Nation of Oklahoma, I also have the honor of being able to speak on behalf of my nation. Ponca means sacred head. We were part of five nations at once, the (Native language). We also have many other relatives that lived along the Missouri as we did. We called it (Native language).

I want to say thank you to each one of you. You know, I was observing you from the back there and to see your attentiveness is really gratifying. I appreciate that a great deal.

I want to say thank you to my relatives that are indigenous to this area for allowing me to be in this portion of the earth and to stand before you and to say a few words.

I have a paper prepared from my nation that I
will give to your stenographer so that she has that, but I came here just to speak on behalf of my folks.

Also proudly wearing -- I don't know where Russell is. I think he was Standing Rock 136. I'm Standing Rock 138. I was there because (Native language) is sacred to us, the smoking water. (Native language) is water. (Native language) is smoke.

I was telling someone just today that when we first began to travel as environmental activists and activists to stand up for the rights of the silent ones, for those with no voices, those that walk on four legs, those that swim within the waters, the sacred water itself, those with wings, those creepy crawlers, those that burrow, and the oil and the gas itself, the sacred air, none of those are being listened to by any of you at this moment, but our people with indigenous knowledges that our ancestors have passed to us have ways through ceremony that we understand that it is a time of change, a time of purification. Scientists call it climate change, and we listen to them because they're learning from us. They're learning to be able to interpret those signs that our people have already been talking about for generations.
That there in Oklahoma, by the way there's 39 federally recognized tribes there, 36 of them from forced removals, including my people, and yet there's nobody coming to Oklahoma to listen to those voices.

This consultation process has started from the top down, like everything else has. So respectfully I want to say to you that it would be nice to be included in that consultation process by being consulted with about the process itself.

When we come here today to speak on behalf of our people, I remember when I was a young woman and I traveled up north to the sun dance with my nephew, John Roy would be there sometimes. He'd be living with the Poncas down there. And we'd go up to my brother Lenny Crow Downs (phonetic) after Wounded Knee in '73 and my (Native language), my mom's sisters. We're the first generation born after our forced removal, same as (unintelligible). And the only thing that they'd asked me to bring back is sacred sage from the circle, the prayers, and a little bit of water from (Native language) so that they could bless themselves with their homeland waters. That's how we feel. That's how sacred earth is to us. That's how much the knowledge and
the deepness and awareness of what water truly is, water is life. (Native language), in Ponca that tells you that not only are you the container of water and the container of life but life is the container of you and water is the container of you and none of it is separate from one another.

So those with roots that breathe for us, we're here to speak for them as well. All of those things that are part of creating the sacred system of life have been disturbed by what is happening within the Ponca Nation and other nations that bear an undue burden of the environmental genocidal processes created by the extractive industry.

We live where Conoco Phillips is. There's a nest of pipelines underneath us coming from the 1920s, '30s, '40s, '50s, '60s, '70s, '80s, '90s 2010s, 2020s almost and yet they're going to try to put more through. We have had 3,000 earthquakes this year, one a 5.8, one a 5., directly associated with injection wells. That's going to happen up here, too, where fracking is going on, where the earth herself is shrugging her shoulders and saying, No more. We can't handle it. It's going to kill us.

What is happening to the infrastructure of the
pipelines when the earthquakes are happening? I know that the infrastructure of the water lines underneath (unintelligible) Oklahoma have been so disturbed that we've had to get emergency grants. I know that the water has been so disturbed that we've had five fish kills in the last two years going through our community, and yet the Department of Environmental Quality and the Department of, the Environmental Protection Agency have not found a way to do the testing other than for organics, as if algae blooms are responsible for everything and that the fracking technology under the (unintelligible) loophole has not hidden the 500 different ingredients that go into fracking, that go into the ground water and when the earth shakes, it's shook free.

I can tell you that today my grandson, Preston Metais (phonetic) Antone Williams is in the hospital down there for ten days, got another two weeks maybe, from E. coli from the last earthquake that happened that poisoned the well water. These are true and real issues that come around about the water.

So respectfully to those citizens that depend on the oil industry and have to support the
pipelines coming through, I ask you to ask them for adjust transitions. To say, Don't blame us when you think that those 50 permanent jobs that are going to come with Dakota Access Pipeline, not the thousands, temporary ones that travel with the pipelines but with those 50 that are there, that those workers should be trained in adjust transition to renewable energies. Don't look at us who are protecting the earth, the land, the water and say that we're responsible for them losing jobs. Look at the extractive industry where the top 1 percent are going to be able to make money on the backs of my babies and their generations to come.

I also have some notes here. So the consultation process: The consultation for Keystone XL that came through the territory of the traditional territory of our (Native language) Ponca and (Native language) Ponca, I'm from the hot country; they're from the cold country, but we're one. When that started to come through, we began to protect through the sacred ways of the coordinate itself. We called upon the treaties with our relatives from the Yankton area because they caretake the same land as we did when we lived along the Niobrara, between the Niobrara and the (Native
language), the swift running water and the smoky water. The smoke, my folks say, is the spirits moving along there of the ancestors that are supposed to guide our prayers. When we get up in the morning and we see that on (Native language).

The consultation process that was, I don't know how, inflicted on the Ponca Nation of Oklahoma was two Poncas, pretty sketchy guys. We know our own. Pretty sketchy guys. I really like their families, though, so I'm not going to tell you their names.

(Laughter)

And the officials from Keystone XL, TransCanada, met with these two individuals. They called that consultation. And those two individuals may have signed a paper; they may have reached under the table and received a little compensation. But what the Ponca Nation of Oklahoma got for Keystone XL coming through was used playground equipment. That was called consultation.

So we're asking for something a little bit more real. Maybe it's not consultation. Maybe it's negotiation. Maybe it's not consultation. Maybe it is consent, consent from whatever tribal forum that we have, whether it is the meetings of the grandmothers, whether it is a meeting of the tribal
council, whether it is a meeting of the entire tribe. Whatever it takes for us to give consent, then maybe you could say you consulted with us.

There was a 5.8 in Pawnee. There was a 5.0 in Cushing, the crossroads of America where the (unintelligible) people live. Those were manmade earthquakes. Those were induced earthquakes. None of the tribes down there are being able to speak to you. There are other pipelines trying to come through there. We need that way of saying, We're going to listen to you in a meaningful manner.

So the Ponca Nation, the Pawnee Nation both passed resolutions recently, ours in February of this year, 2016, the Pawnees around that same period of time, to put a ban on fracking injection wells and this new process called dewatering. If you haven't heard about it, watch for those words. Dewatering is another way the extractive industry is going to do fracking. They put four wells in the corners of 160 acres. And it breaks down -- when they suck the water into those wells, it breaks down the center and creates a sink. Theoretically then this extreme energy process will allow oil and gas to run through the center, which they extract, which brings up the radioactive water, which creates a
situation for injection wells where methane gas is released into the air. We have over 10,000 injection wells in Oklahoma. Around the Ponca Nation where my son Micasee (phonetic) went out and did testing with his super infrared camera, we found that 30 out of 30 within a half a mile of our tribal headquarters, 30 out of 30 are leaking methane gas.

So there is so much going on with the indigenous nations having to bear the burden of all of these things that we need to say more about what's going on. Why are we up here? Why were we arrested at Standing Rock, other than my relative Russell getting us involved as observers?

(Laughter)

Because (Native language) affects us all, 18 million people, ranchers, farmers, the bread basket of America that's going to feed us all are being impacted by what's going on there. The nations of my people, the (Native language) Ponca, these relatives, they're all being impacted by that.

And on top of that, Conoco Phillips is on Ponca land in Oklahoma. And Conoco Phillips, Phillips has a one-quarter interest in an energy transfer company up here or DAPL. And who has an interest in Phillips? Our new President elect.
Harold Hamm who lives in Oklahoma brings train bombs from the Bakken shale fields through Oklahoma, through the Ponca community, through the White Eagle community, through Marland. A half a mile away from my grandchildren those train bombs are going, and then they're going to other indigenous nations. If we had free, prior and informed consent, we would have said no.

So with the resolutions that we've passed, and I've given it to everybody with initials, the BLM, the BIA, the EPA, the OCC, the DEQ, probably more initials, I don't know, starting with the United Nations when we were there visiting with others from your agencies, we have not got any teeth in the laws that we're making in our own homes. If we're saying no and the Oklahoma Corporation Commission is saying yes and the Federal Government is ignoring us, there's a serious breakdown in our sovereignty that has to be addressed.

Mary Fallin, the governor of Oklahoma, has said that the injection wells and the earthquakes may or may not be related, but she made a law that said that no municipalities in Oklahoma could put a ban on fracking and injection wells. We of the 39 tribes are beginning to try to create a coalition to
protect the ranchers, farmers and municipalities
around us, because somebody has got to do this.
When there are 3,000 earthquakes in a small area
like we live, you cannot imagine the fear, unless
you've been up there to Standing Rock and, you know,
the cops are coming down and the National Guard is
chasing you and there's tear bombs, tear gas,
tasers, tanks, snipers, then you get a little taste
of the fear that we live in from the earth shaking.

But there's something seriously wrong with the
treatment of the indigenous people of this world in
general but of the United States it is a shame that
we have to carry around a stupid card that
guarantees us the right to be part of our own
citizenships when we self recognize, when we know
who belongs to who.

I didn't ask this young man, So you say you're
(Native language) Ponca? Whip out that CDIP and
prove it.

(Laughter)

I told him, "I know who your relatives are."
That's how we know. That's how we identify. So
unless you have a European identification card, only
then can you understand where the injustices have
begun when the Bureau of Indian Affairs was incepted
under the War Department and we feel oftentimes that it still operates from that particular place.

We're asking that our traditional knowledge be taken into account, because that traditional knowledge will help guide the world back into balance again. When we sit in Oklahoma and we see armadillos that weren't there one generation ago, they all were in Texas, all of us see the difference in the migration, the timing of the snows. You see that, too. But we have chronicled that through oral tradition through lifetimes, and we're willing to share that with you.

We are asking that the United Nations Declaration on the Rights of Indigenous People not only be signed onto and recognized but implemented in the United States, implemented in the United States, and particularly that area that offers us free, prior and informed consent.

And remember, remember, if our treaty rights are upheld, if our indigenous rights are upheld, your great, great, great, great, great grandchildren will benefit from this. This is not an indigenous issue. This is a possibility for human life to continue to be part of the sacred circle, the sacred system of life. We choose that. We ask you to
choose that as well. (Native language)

(Applause)

MR. TRACY TOULOU: Thank you.

Okay, next up we have Willie Kindle from Rosebud Sioux, Chairman.

MR. WILLIE KINDLE: Good morning, everyone.

It's good to see all of you back here again after our session yesterday. Our guests over here, welcome. Good to see you all back. I hope you had a good night's rest. I hope you've got your listening ears on. Thank you.

You know, I've been around Rosebud for many, many years now, many, many terms as a tribal president down there, so I've been to many, many of these kind of sessions. I guess I can't count them anymore there have been so many. But we've always came with our hopes and prayers that we'd be listened to and that maybe our words were going to be, some action would be taken on what we request.

So many times we get some time here at the podium and we get a chance to leave some testimony out at the front desk, and then we go home. And we expect to hear from the Federal Government saying, We heard you. We listened to you, and your testimony made a difference. We're going to listen
this time. We're going to do something about it. But I guess I can't count the times that that's happened for us down in Rosebud. And I see my friend Harold Frazier shaking his head yes. I think Harold has been through it, too, and John Steele. John has been around a long time, and we always come to these same meetings, bring the same message, and we ask the federal people to listen to us.

I've kind of changed that thought. I know they're listening. They're actually listening to us, but what we want them to do is go back and do something about it, take some action that we're requesting. Don't just listen and leave. Let us know after we get home that you heard us, actually heard what we were saying and what we're requesting of you.

I don't want to take a lot of time up here because I've got some of my council people with me, and I know they are wishing to get up here and say something as well.

Some of our treaty people are here and our THPO people, and I want to give them all a chance to come up here as well.

I have something I'd like to read into the record. I submitted some other testimony out front,
at the front desk, but I have a couple of things I
want to read into the record.

We're here today to look at a couple of things, promoting meaningful government-to-government engagement within the existing framework. We're here to look at that and try to fix that, repair that, if we can. And we need to identify any necessary changes to that existing framework to strengthen it so it works.

First and foremost, we need to adhere to the treaties. Those treaties are the supreme law of the land. Those treaties exist above anything else the Federal Government has. They can have statute after statute but it doesn't mean a darn thing when you put the treaty there. The treaty is up here, the statutes and everything else down below that. So it's imperative that the Federal Government adhere to that treaty.

True consultation must be held with tribes prior to any decisions that are made that affect our nations. Serious consideration of all decision consultation must be done with tribal nations. It's an absolute must.

Tribes have been provided with information that resulted after the consultations. And like I stated
earlier, that is seldom in our favor. And that's what we want to change.

But just a reminder, keep the treaties above everything else. Those have to be adhered to. Especially I think it's Section 11 of the '68 treaty, that is a real important part of that document that you need to look at, review and keep in mind.

There's also a very important part of the National Historic Preservation Act that was not adhered to. I think it was totally ignored. I want to read a portion of that for you if I may so it can go into the record here today. It says, The Corps is responsible for complying with the National Historic Preservation Act, including Section 110 that requires federal agencies to establish a program to preserve, protect, identify, evaluate and nominate historic properties under their jurisdiction and control, including traditional cultural properties and historic properties to which tribes attach religious and cultural significance in consultation with others and, two, to give full consideration to the preservation of historic properties not under their jurisdiction or control but affected by the federal agency undertaking.
And the Corps' main system operations and maintenance actions must meet the definitions under Section 106. The Corps is required to consult with any Indian tribe that attaches religious and cultural significance to historic properties that may be affected by proposed federal undertaking. And that's under Section 6. You need to keep that in mind.

I'm going to keep my comments brief, as I said. Most of you in the room were across the hall yesterday when we had a very, very, very eloquent speaker get up and talk to us. I believe Mr. Broken Nose from Pine Ridge, I believe he's on a treaty council over there. On my way home last night I was thinking about what he said to us, what his message was. And the message he brought was not only for us, it was for our guests here as well. And I thought about that on the drive home last night. I went home and came back this morning. And I wondered how many people listened to him and fully understood what he told us. I think we all heard what he said, but what his message was, I don't know if we got, all of us got the message that Mr. Broken Nose gave us. But I think for our people here, it would be good if they could pull that tape up and
listen to that and see if they could let that into their hearts and minds what Mr. Broken Nose said to us yesterday. I think that was the most important part of any messages that came out of that meeting yesterday. And we need to listen to what he said and let it into our hearts and minds.

So having said this, I'm not going to take any more of your time here. I know we've got a lot of speakers and time is getting away from us.

But I want to say thank you to all of our fellow tribes that are here with us, and a particular thanks to Mr. Archambault and to Mr. Flute for coming down and saying what they had to say.

You know what, us older chairmans probably don't have a lot of years left in this position, but it does my heart good to see these young men stepping up to the front like they're doing. I know when my time is done down at Rosebud, I'm going to feel good knowing that some of these young people are coming forward to carry the fight to defend our treaties and our indigenous rights.

So having said that, I want to thank you for listening. And I'll give the mic to someone else here for comments.
Thank you for listening.

(Applause)

MR. TRACY TOULOU: Thank you, Chairman.

So after C.J., we're going to do one more speaker and then we're going to take a break so that everybody --

MR. C.J. CLIFFORD: Is that in the spirit of justice so they can look you over?

MR. TRACY TOULOU: Look us over, yeah, right.

(Laughter)

MR. TRACY TOULOU: That was it? Just repositioning? So the next speaker -- that was quick -- is Alan Nygard from the Mandan, Hidatsa and Arikara Nation.

MR. ALAN NYGARD: (Native language) I am Alan Nygard. I am the Chief Executive Officer of the MHA Nation. That is the senior non-elected official of our government. And on behalf of our tribal council, our government and Chairman Fox, I will read Chairman Fox's statement. A more detailed response will come to you before the deadline. And then I have a couple of comments also to make as an administrator of a government to a government.

The Mandan Hidatsa and Arikara Nation and all of the tribal governments here today have a
government-to-government relationship with the United States. Most days we implement our government-to-government relationship through tribal consultation. The wellbeing of our government-to-government relationship is measured by how successful and productive tribal consultation is. Looking around Indian Country, I have to say I'm very concerned.

Just a few years ago in 2009, President Obama directed all federal agencies to update and improve their tribal consultation policies. We are living and working under those policies now. How well are we doing? Across Indian Country I hear about agencies checking the box, ignoring tribal comments and coming to consultation meetings with their minds already made up. What is happening today does not live up to our government-to-government relationship. This is not meaningful consultation.

Just like Standing Rock Sioux and other Sioux Tribes, we have pipelines crossing our lands and threatening our waters. There is one proposed pipeline just upstream from our reservation and another going straight through the middle of our reservation. The oil pipeline companies want to cross Lake Sakakawea and the Missouri River, our
main water supply. It is critical that the Federal Government not grant any permits for pipeline lake or river crossings near reservation lands without engaging in proactive meaningful consultation with tribes whose water sources, sacred sites and other rights are affected. It is even more critical that the Federal Government does not grant pipeline permits under or across the lake or river within reservation boundaries without tribal consent. The tribes have sovereign authority over all reservation lands and the Federal Government must recognize the tribes' jurisdiction, concurrent with the Federal Government, to protect the health and welfare of its members and the safety and integrity of its water sources.

Recently, and without consultation, a pipeline was drilled under the lake and through the MHA Nation's reservation mineral estate without the MHA Nation's consent, consent which is required by federal and tribal law. The MHA Nation is now in litigation to protect its sovereign right to prevent the pipeline encumbrance on its trust land. This litigation could have been avoided, and tribal dollars saved, had meaningful consultation occurred and had the Corps of Engineers solicited our input
before granting the right-of-way.

Crucial to meaningful consultation under the policy is early consultation. We are brought in after the initial planning stage after crucial project components have already been developed or implemented. Without input at the planning stage, tribal consultation is little more than public notice and comment. The Federal Government must do a better job of soliciting tribal input at the initial planning stage. Only then can consultation be meaningful.

For these pipelines proposing to cross our waters, the Bureau of Land Management and Army Corps staff working in this area need training and an understanding of our deep bond to the lands and waters of the Missouri River. Without a good understanding of who we are and what we value, how can agencies' staff really hear what we are saying and use our comments to improve projects to make them better for everyone?

Agencies need to take the time, and be given the time, to document consultation, make revisions to proposed projects based on consultation, discuss these revisions with tribes, and find a common ground that upholds the federal trust.
responsibility. Each agency office must be accountable for actually considering the information provided by tribes. That's consultation, a deliberate process that is a meaningful government-to-government exchange.

Our government-to-government relationship is dependent on federal agency staff and whether or not they take meaningful consultation seriously. As leaders of these agencies, they need to know that you will require meaningful, effective and accountable tribal consultation. Our lands, waters, cultural and natural resources depend on meaningful government-to-government consultation.

We appreciate consultation and hold it vital to our self-determination. On that note, I want to use this opportunity to commend the Corps of Engineers and the Bureau of Indian Affairs for engaging in consultation with my administration in an effort to return the surplus lands around Lake Sakakawea. Returning these lands is an important step toward righting the incredible injustice that was brought upon our people by the flooding of our heartland for the Garrison Dam. I express my sincere appreciation to the Corps and to the Bureau of Indian Affairs for working with the MHA Nation to restore these lands.
to tribal ownership. Sincerely Mark N. Fox,
Chairman.

As an administer of a government, we will always hold you to your trust responsibility and remind you of that. That must happen. You have that responsibility to all of our nations. It's not a one-way conversation. It's not a one-way street. It is a responsibility that the Federal Government and your agencies have to us, and we will always remind you of that.

We're looking for partners. And a partnership requires us to work together. Many times the rules are promulgated and they are delivered. That is not a partnership. We will not stand for that any longer. If you want to be our partner, we will sit down with you and we will come to the best possible conclusion that benefits all, but we will not stand any longer for that one-way street.

And finally staff: Every agency has a tribal liaison, but when I look at these tribal liaisons, I see white faces. I have nothing against non-native people, but a duck can never be a swan. A duck and a swan have webbed feet; they have feathers; they fly and they swim; they eat the same diet; they have bills, but they are not the same. They will never
be the same. Those people who are supposed to be
tribal liaisons need to understand -- they need to
have the ability, the knowledge and the
understanding of who we are. Without that they
cannot give you the consultation; they cannot give
you the advice that you need in order to effectively
deliver the services to our people.

Let me give you an example. Recently we had a
discussion on some rural water lines on our
reservation with the Bureau of Land Management and
the BIA. The rule says that when those cultural
surveys are done to satisfy NEPA requirements, the
requirement is a master's degree archeologist or
equivalent. I'm sorry, but our THPO office will
know more about our cultural, sacred and historic
sites than those master's degrees will ever dream of
knowing about our reservation.

(Applause)

MR. ALAN NYGARD: But yet our THPO does not
and cannot be recognized as providing input.
There's something wrong with this. That's
consultation. That's partnership. That's what we
need to move forward. I hope moving forward that we
can get there. But history has proven that maybe
it's a crapshoot at this point.
We want to work with you. We look forward to working with you. We thank the Corps of Engineers for helping us. It was a long haul but we made it. We worked it out. And we thank you for that.

Mazagiddatts.

(Applause)

MR. LARRY ROBERTS: So before we take a break here, I just wanted to share a couple of thoughts about the dialogue that we're having today. One is a number of leaders have talked about the need to have federal competence, cultural competence training across the Federal Government. And speaking for the Department, I think that that makes a lot of sense. And it's something that I'm surprised that we're not doing already and that we should be doing. And we're going to need everyone's help in this room to do that in a right way.

I also wanted to touch upon, there was a comment about CEQ, the EPA and Interior working on environmental justice principles for Indian tribes, and that's something, again, that is very concrete that we can wrap our arms around and hopefully make progress on something like that as well because I think that that would go -- that's a critical piece of the puzzle.
Finally the last comment about tribes and tribal historic preservation officers not meeting whatever regulatory requirements were set some time back at some point, I know myself and my boss, Secretary Jewell, have been all about deferring to tribal leadership and tribal ecological knowledge, and so that's another concrete suggestion that I'm going to take back to see if there's a way we can make that common-sense change work very quickly before the end of this administration.

So with that, I don't know if there are any other comments.

Valerie?

MS. VALERIE HAUSER: Thank you.

I'd like to, in particular, address the comment about the qualifications for tribal historic preservation officers. If federal agencies are interpreting the various Secretary of Interior standards that apply to historic preservation, if they're applying them to THPOs, that's not correct. So I will commit the Advisory Council to working with the National Park Service to clarify the existing guidance about this. That's an easy fix for us, and I think that we can get it done close to the end of this administration. I'll commit to the
Advisory Council of making the clarification at least. And I'm sure Interior will be willing to work with us. Because THPOs should not be held to those standards.

In fact, the park service has in one or two places in other guidance a clarification that tribal expertise is a recognized and valid, I'm not going to say this correctly because I don't remember exactly what the guidance says, but tribal views are as valid as other views in the process basically, and that tribal experts do not have to have Western World degrees. And the ACHP's regulations themselves require federal agencies to recognize the special expertise that tribes and Native Hawaiians hold. So there's various places in federal law and guidance that clarify that.

I would also like to let you know that regarding the issue of cultural competency, the Federal Government has, for the past eight years, I think we launched it in 2008, through an interagency effort, the one under the Bush, the second Bush administration, developed a training course called "Working Effectively with Tribal Governments". It was free and available to the public. And the last time we checked, which was more than two years ago,
10,000 people had taken the course. We had to pull it down in September because we're working on major updates to it. It didn't include things like TLOA and violence against women. So we're updating it. We're hoping to find a new home so that it will be relaunched for free to everyone. Some agencies have taken the initiative to make that training mandatory. So I will tell you in the Advisory Council that it's mandatory for every single employee, even the support staff, to take that course. We have a hundred percent compliance with that. But I will also admit that we only have 40 staff, so it's not like a department.

And through an interagency MOU, Memorandum of Understanding with the Departments of Defense, Interior, Agriculture, Energy and the Advisory Council, this summer we completed an online course on sacred, how federal agencies should treat sacred sites. The course was developed not by feds. The course was developed by subject matter experts from Indian country, including legal experts. So we're hoping that that launch -- that course may even be available today. It's to be launched any time now, again free and available to everyone. And so we will send out notification to everyone when both of
those courses are launched. They're only parts of
the cultural competency training.

ACHP I can tell you will commit to continuing
to work on government-wide training to create
cultural competency in key federal staff.

Thank you.

MR. TRACY TOULOU: Okay, I think we're going to
go to break.

Oh, do you have a question?

MS. CASEY CAMP-HORINEK: My notes also included
something that I think is really important when I'm
listening to your feedback is that I'm very blessed
to be an elected official of my tribe, but I'm also
(Native language). It's a women's society that's
been passed down through my grandmothers. And I'm
often represented from the traditional society
within my tribe, as Faith Spotted Eagle has, when
we've been in the United Nations and various other
places where that is recognized. I would like to
make the suggestion that you also consider not just
government to government being an official
leadership position but what we recognize as
leadership positions of the traditional societies
within our nations.

Thank you.
MR. TRACY TOULOU: Thank you.

Okay, let's take a quick break. I'm thinking five minutes. I know it'll be tough, but we've got a lot of people, and we want to make sure that we get to them.

(Recess taken)

MR. C.J. CLIFFORD: I guess I do have a question to continue some dialogue with everybody. I have a question for Colonel Henderson.

Colonel Henderson, you approved a permit for DAPL with the knowledge that it was opposed by the Indian tribes because of its effects on water and cultural resources. You also knew that the Department of Interior, the EPA and the Advisory Council on Historic Preservation were raising the same, exact same concerns. Since then it has blown up into an international incident with (unintelligible) and water protectors camping out at the base of the Missouri and hundreds of Native people thrown into prison for trying to protect the health of future generations. The question I have for you, Colonel Henderson, is: What would you do differently if you could rewind the clock backward one year?

MR. TRACY TOULOU: So we -- I'm going to step
in, C.J., because --

MR. C.J. CLIFFORD: Let's -- let's let it kind of play out. Because there's actually -- the DAPL part hasn't really been hit, so we'll just kind of open it up and keep it flowing, and then we'll go right back into testimony.

MR. TRACY TOULOU: Since we're having an open dialect here, the DAPL part of it, because it's so involved in litigation, it's something that's hard for us to talk about. But let me try something with your question and see if this works for you. So what if we asked the Colonel what if we -- based on this process, the changes we're going to make, how things would play out differently going forward? That way we don't have to talk about what happens there, what happened in litigation.

Can you do that, Colonel?

COLONEL HENDERSON: Yes.

Hey, first of all I just want to say good morning to everybody. I didn't do -- I didn't give a formal introduction earlier. I just want to say it's an honor to be a part of this process. Because as Chairman Archambault articulated very well earlier, this is a part of history and a part of major policy change and a higher level national
discussion and to get to the heart of the question that I feel was, that I personally and professionally feel was very needed.

Some of this stuff -- the last three listening sessions now that I've been a part of, we've heard these same things over and over again, Appendix C in conflict with the ACHP. We've heard there's not a consistent policy about how we define consent and what the role is for indigenous tribes and their treaties on their treaty lands and how we make decisions on infrastructure projects that go through treaty lands that might now be private land and what those authorities are.

We've heard that just because the Federal Government has the trust responsibility to consult with tribes, that sometimes the states who have the majority of these utility permitting obligations don't necessarily have the same obligations that the Federal Government does and that creates a very confusing conflict in all of this.

So from -- so from a perspective of how this may help, it would be extremely helpful for those of us and all the federal agencies and for people out in the field who are in charge of trying to implement this myriad of federal law that has
accumulated over the years. Some of it has come in conflict with each other. Some it has been, especially with regard to treaties, has been changed and updated and changed and revised. And to keep up with all of that is that if we can take the substantive input that's come out of all of these listening sessions and get an Appendix C that's in line with ACHP, if we can have an agreed-upon way that we consult about treaty lands, historic treaty lands and how we do infrastructure projects on those, if we could have an agreed-upon definition of what consent is that we all agree on and then all federal agencies have the same interpretation of it, for us in the field that would be extremely beneficial and would make our consultations -- because our personal experience is we've gone meeting to meeting to meeting before any of this permitting was done, and we listened to the feedback. What we found sometimes with Valerie on the phone or Valerie's staff with us is we found these inherent conflicts cause problems throughout the entire process.

And as a member of the executive branch and the Corps of Engineers, what I've learned is that -- well, we work -- our staff, we have great staff out
of Omaha that worked hard, worked extra hard to ensure that we were in compliance with the law and we were in compliance with NEPA. And I'm very proud of them for that. As we've gone through, sometimes we found that the federal laws that we were trying to comply with were either in conflict with each other or maybe they were ambiguous and there was certainly room for improvement.

And if there's anything good that's come out of this higher level discussion, that's come out of the DAPL pipeline permitting in North Dakota, especially with that crossing, is the fact that we're sitting here in this room and you have the open ears of some of the most senior officials in the Federal Government who have committed to do something about this. And I think this is a historically and inherently a good outcome in spite of whatever the permit decisions end up being.

So thank you for the opportunity for feedback and thank you for being here today. I'm proud to be a part of something that's historic.

MR. C.J. CLIFFORD: Thank you, Colonel Henderson. You made some really good points there, and I'm glad you had an opportunity to kind of shake that nervousness out here in the room and relax a
little bit.

(Laughter)

MR. C.J. CLIFFORD: You know, but just to make mention, as you talked about that there was some laws and policies that were not jibing and working right, you know, there's a Supreme Court ruling that is called the Canons of Construction that these laws and policies, laws, policies, regulations will be interpreted to benefit the Indians. So I think that would be something to kind of keep in mind as we go through this. And when these policy changes start coming forth, and they're needed, that we look at allowing us to put the interpretations so it will help us.

MR. TRACY TOULOU: Thank you. Okay, thank you, C.J.

And thank you, Colonel.

So what we're going to do is I'm going to announce the next three speakers in order because I think it's hard to keep track. And I'll keep doing that. I'm a wrestling coach and we have on deck and in the hole. That's how we keep track.

So the next guy up is Boyd Gourneau. On deck is Brandon Sazue. And in the hole is Chairman Frazier. So those are the next three up.
And so Chairman Gourneau?

MR. BOYD GOURNEAU: I'd like to ask the elders to forgive me for speaking before you today. I know that I'm honored and humbled to be before you today.

I appreciate you all coming. I'm going to keep it short because, you know, I'm a new term chairman and I'm here to learn, too, especially from the THPOs and the people here on the historic preservation, I appreciate your efforts.

And, you know, you folks, I know you're here, you know, to listen to what tribes have to say, but we're here to listen to what you have to say, too. So please don't -- you know, it's a two-way dialogue. You know, that's true consultation. We need that. And that's when we know we're on the same boat; we're on the -- you know, we can agree to disagree, but, you know, it's got to be together.

And I guess one comment, you know, is on these projects there's documents in place, the National Historic Preservation Act, the Programmatic Agreement. A lot of the tribes didn't sign up on the Programmatic Agreement but, you know, they're there, you know, and they're a good guide. And use what you can out of it, you know, to move forward.

And the most important document is the
treaties. You know, that should be written up here. When you consider anything in infrastructure, they should be, you know, first and foremost. You know, it's got to be taken into consideration.

You know, I'm here because my people allow me to serve. And I take that very seriously. And when you have a project on our dam, then you are staff in my position. You are serving us. And, you know -- so without -- without our people, none of us would be here. And that's who we serve. And I'm very proud of that. And, like I said, I'm here to listen.

And I'm just going to close by saying the river is the subsistence to our existence. Water is life.

Mitakuye oyasin.

(Applause)

MR. TRACY TOULOU: Okay. So next up is Chairman Brandon Sazue from Crow Creek, followed by Chairman Frazier, and then President Steele.

MR. BRANDON SAZUE: First of all I want to thank you for giving Crow Creek the opportunity to speak to you. And, please, I mean no disrespect to anybody, I just want to tell you from my heart my experience and what everything means to us as Native Americans, as individuals, as people. Those
children there would be the reason. Water is life.

This number here says 137. I'll remember that for the rest of my life. That is sort of like my prison ID number now. I'll never get that out of my head.

For what -- what meaningful consultation means to me is all the things that happened in Standing Rock could have been avoided simply because politicians, people in higher positions listened to us. What's going on now is wrong. It's very wrong. How many pipes are going to go under the river? We have heard in the last couple days, "There's this many pipes already under there. They're this old. So what's going to make a difference of another pipe going under there?" When is enough enough? When are we going to stop?

We're all stewards of the land. We're stewards the water, especially the Army Corps of Engineers. And the laws need to change. They need to change where pipes aren't going under the river anymore. This is for our future, your future.

I see you all drinking coffee, water, juice. How do you make all of that? With water. How are we made? With water. How are our animals going to survive? With water. Our cattle, vegetation, corn
fields, everything, by water.

There are people up there sitting there right now in the cold weather, and it's soon going to blizzard. They're not going anywhere. I've been up there five days a week since August. I'm the Chairman of my tribe. I'm the leader of my people. So that's what leaders do is you go put yourself before your people.

And sometimes when we're elected into office or we serve a higher purpose in society, we forget about all of those things and we just want to follow the law; we just want to try to push it out so we're not involved. The only way we're going to make change is by what we're doing today, because that's what makes the difference tomorrow is by changing in here, by changing in here.

Look at what has happened, 15-year-old kids shot off horses, a tribal president, a tribal chairman being told to bend over and spread his cheeks, putting numbers on the (Native language) that was talking up here earlier. I got arrested with her. How would you feel if you'd seen somebody writing on your (Native language), your grandmother, your mother, writing a number? How would you feel when that same grandmother pulled into this Morton
County garage seeing her son locked in a cage? How would you feel about that same son seeing his mother put in a cage with about 20 people in each cage? That could have all been avoided had we had meaningful consultation --

(Applause)

MR. BRANDON SAZUE: -- had we all listened to each other in our hearts.

We've talked about how we grew up and where we came from. All of those people up there are going to have PTSD. There's different sorts. There's fighting in Morris.

Myself, I can't drive back now because it's going to snow. In 2009 I stayed out in a blizzard for three weeks and I got lost. So it's going to cost me a couple extra days, but I'm not driving in it.

I go to sleep every night now, and I'm sure all the people that got arrested on that day have trouble sleeping, too. These numbers are going to ring out in our minds forever, and as we were sitting there, to see these tractors running over your teepee poles, young kids pulled out of sweat lodges. What would happen if somebody came and pulled you out of your church while you were in
ceremony, while you were praying? It's horrible. And it's 2016 and it's happening right now as we speak. Money over human beings. We can't drink money. We can only drink water, because water is life.

Everybody here has decisions to make. When you go home tonight, you can't lie to yourself. We can't lie to ourselves. I could try to lie to you (indicating), I could try to lie to you (indicating) or you (indicating) can try to lie to us or you (indicating) can try to lie to us, but when you go home at night and go to sleep, you're not going to be able to lie to yourself. You're not going to be able to lie to the creator, whoever you may call him, God, Jesus, (Native language), whoever you call it, he knows everything. He put human beings on this earth to work together, to not -- not to fight each other.

This is supposed to be the United States of America. This is not our United States of America. We are from the Sioux Nation. We've been here since the beginning of time.

(Applause)

MR. BRANDON SAZUE: We were -- you know the history. And we all know it well. But still to
this day we're living that history. History is repeating itself.

On that day on October 27th you had the buffalo. You had the horses. You had the eagle in the sky. It looked like it was chasing the helicopter. Not too long after that an eagle landed at camp. Human beings, people were able to go up to that eagle and pet it, a wild eagle, for about up to an hour. How spiritual is that? What is Mother Nature telling us? That we're hurting the earth; we're hurting the water; we're hurting each other.

We like numbers. Numbers talk. People don't anymore. It's all about numbers. What are we going to do when that pipeline goes under the water and all of that oil has drained out from that part of the earth? What's going to be left? A big crater, emptiness, a big whole lot of emptiness because we took out what we're not supposed to take out. It's there for a reason.

We need to start looking at other renewables, green energy. That's the way we should be going, not hurting each other and not shooting 15-year-old boys, not writing numbers on grandmothers, not telling presidents to bend over, not seeing our people locked up in cages.
We've forgotten about each other. Up in Standing Rock it's all about each other. "Can I help you? What can I do for you?" It's not about, I'm getting pretty today for him or her. "Are you hungry?" So from a few hundred years ago to today, that's what it's about again. But it's modern day, people helping each other because of one thing, water.

Water is our life. Water is our resource. What's going to happen when that's gone? How many other pipes are going to be going under the river under our waters? Look at Flint, Michigan, I mean, there's so many stuff out there that we don't want to pay attention to, for whatever reason, because of money, because of politicians. Politicians are what's running us into the ground or what's dividing us. What divides us can unite us. We are divided because of water.

North Dakota is fighting its residents. South Dakota is fighting its residents. All these other places are fighting their citizens because of DAPL. When the Dakota Access Pipeline wasn't here, we all got along. We went on our daily routines. There was no shootings. There was no fighting each other. All of this divided all of us.
By the way, I served in the Army National Guard the 200th Engineer Company out of Pierre, so I know what it feels like to be in the military. I know what your jobs are. But are your jobs more important than life? Are your jobs more important than those children or your children? It's not worth it. It's not worth it. We're all human beings here. We're all people.

As a leader, I slept with my, in the camp up there five days a week. It's so humbling. You can't explain the experience of people uniting, of people being together. You can't explain that.

We at Crow Creek are about three and a half hours from Standing Rock by the Big Bend Dam. There's hydro power there but yet we pay the largest, one of the largest electricity bills in the United States. We were removed from our bottom lands and put on top. We were forced to concentration camps. We were given enrollment numbers. 342UU002254, that's my number. My other number is 137. How many more numbers are we going to get? How many more numbers are we going to keep making? So most of this could have been prevented had we had meaningful consultation.

I didn't write nothing down because I want to
speak to you from my heart as a human being, as a person, as a grandfather to two girls, as a human being, as a leader of my tribe, as part of the Oceti Sakowin, as a human being, as a veteran of the United States Army. That's who I am. I didn't get to my place by not doing anything.

And especially fighting each other, look at this world. Look at the protests around the globe. Look at the protests. People are speaking up. They're not going away. We are on the verge of civil war, whether we want to believe it or not. If we don't do something now to stop it now, we are going to spin out of control, because we are spinning out of control. When we have no feelings for 15 year olds, shooting them off horses, when we have no feelings for that (Native language) that was standing up here, when we have no feelings about our own people in our own backyard, who's going to suffer? Our people, our animals, our land, our water, Mother Earth. And here we are killing each other and abusing each other. How can we stop that? We can stop that right now. We can start -- this would be a start to stop that right now.

How would you feel if somebody did that to your grandmother? It's killing me on the inside. They
charged me with a felony, conspiring to harm by fire, me and Russell, Ben, the lady from the Ponca Tribe, all of us with families, $1,500 cash bond. I got paid on that Friday, the day after I got arrested, so I had the money to get out, but I couldn't bond out because I couldn't get out of jail and go to an ATM and pull that money out. It cost my tribe $7,500 for a lawyer, but the lawyers can't represent more than one person because it's a conflict of interest. So that's how hard we're making it. That's how hard we're fighting each other.

Now you got more protesters up there, pro DAPL. I think in a way they just want people to go home. And everybody wants to go home. So send them home. Send them home and stop the madness. Stop this madness. Because those people out there with all the money, you can hear them over the radios, they're playing heavy metal music; they're messing with people on the radios.

And there's stories that they're not going to tell because they don't want to start a war. Where they tackled a kid and put his head under the water, you never heard that. Where a few people got beat down, you never heard that either. Because why?
That's how strong our people are. Our people don't want you to know because they don't want to start a war. Nobody wants that. We all just want to go home. But we're not going to go home because water is life.

We love each and every one of us in here. We're all human beings. No matter what capacity you're in, we all mean something to each other. Does money mean more than that? Does it? To ruin a whole river system from North Dakota to the Gulf of Mexico, all of those farmers, all of those people, all of those states, taxpayers' money.

And it even goes further than that. Tribes and states are not getting along anymore. How many years have we been fighting to stay on the same page? And we finally trust the state, so we sign an MOU with the South Dakota Highway Patrol. You know what it took to do that? And just like that, that's what it took to undo it, just like that.

So all of these things we need to take into account for meaningful consultation, for life, to understand all of these things happen and are happening because of this one thing. And it's a variety of things.

Meaningful consultation with the tribes,
listening to the people, the people are speaking and they have been speaking, and they still are speaking and we're speaking here today. Will everybody here listen to us? Yeah, you'll listen to us, but going behind an office in a closed door is a whole different story. "Well, we had a consultation with them, but yeah, we're still going to go ahead because we got these laws and we're going to fix these laws."

When I was arrested that day and sat down and had to watch all of these things, for the first time in my life I understood something, and that was the United States' laws, those aren't my laws. They are not my laws. We are tribal citizens. We have our own laws. And those were laws over years and years of abuse, years and years of abuse.

So I can't stand up here and speak to you in my own language because I don't know it. Our grandparents, their parents, their ears were cut off. Their language was taken away and they were beaten. And to stand up here to keep repeating that is like going in a circle, because is anybody listening?

This is as real as it gets, people, and it ain't gonna get more real than this. If that pipe
goes under that water, it will get more real than you can imagine. That's the direction we are going. But people in this room have the power to change that.

Look at all the diversities in here, Native American, Caucasian, people from Japan up there, people from Hawaii, Canada. It's not just the United States anymore, people. It's the world. And when we go home tonight, let's think about that. Because you can't lie to yourself. You can't lie to the Creator. So meaningful consultation, this is meaningful consultation. I'm not here to say bad words to Mr. Henderson.

I know how you must feel, but I don't understand how you feel. I just assume how you feel. And you're put in one heck of a place, a predicament right now, but you still have a choice. God gave each and every one of us a choice. Are we going to do right by that choice? Are we going to start doing right by that choice, or are we going to go home and lie to ourselves? Are we going to stand by these children? Are we going to do the right thing?

If I died tomorrow, I'd die with honor. Because I got a felony, if I was charged with that
felony and convicted of that felony, my constitution says I have to step down as chairman, I would step down with honor because I did what was right. And I don't have to go home at night and lie to myself.

But for the rest of us that are up there, in one way, shape or form we're all living with PTSD, post-traumatic stress disorder, in whatever form it is. We have to carry that on.

But we need not be divided anymore. We need to stop the division amongst us. "Because we're making a hundred, two hundred thousand dollars a year, as long as our families are taken care of, the heck with the rest of the world," that ain't the way it works. That's not the way it works.

You go to church on Sunday; you worship; you go home. Do you forget about that Sunday? Do you live a different life Monday through Saturday? No, you must live that life daily. It's the spirituality in all of us. We're not dark. Everybody here has a spirit. What do we want to do with our lives?

From this day forward we need not put no more pipes under our river, no more pipes. I don't care if it's propane, whatever, we can't do this to ourselves anymore. We are going to die. It's just a matter of time, people. It's just a matter of
time.

And I will be going back to Standing Rock, and I will be camping with my people. I'm not leaving; they're not leaving until we make the right decision. And let that decision come from your heart, not from numbers. We don't want to be numbers anymore.

The world is crying out right now for us to do the right thing and stand together. Can we do that? Are we going to do that?

So I'd just like to say thank you to everybody for listening to me. It is a very meaningful consultation. Life is meaningful. Water is life.

Thank you.

(Applause)

MR. TRACY TOULOU: Up next is Chairman Frazier, followed by Chairman Steele, and then Chairman Flying Hawk.

CHAIRMAN FRAZIER: Thank you.

I want to begin by thanking the people who are up on the front lines. With their sacrifices is why we're here today. They've been bitten by dogs, beaten by batons, sprayed by mace, shot with rubber bullets. They've seen their horses killed, but yet they're still there. They've been arrested, charged
with crimes, and I thank them for their sacrifices. They're the ones that give me the strength to keep fighting.

When this first started in August, I seen a picture of a little boy, little Indian boy. He has a sign above him. It says, "You can't drink oil." And I thought, What kind of human being with a heart would not listen to that picture? That little boy has more common sense than every one of us in this room. He knows what could happen if we drink oil.

I guess I want to begin with a question for Assistant Secretary Darcy.

You've had three agencies write letters to you concerned with the environmental assessment but yet you continued on. Why is that?

MS. JO-ELLEN DARCY: Mr. Chairman, during the consideration of the environmental assessment, we did hear from other federal agencies, and in making our determination for the 404 determination, we did take those into consideration and made the determination that the environmental assessment was complete and accurate and that in moving forward we would be able to assure that there would be safe, in putting an easement together, we would be able to assure that the pipeline would be safe.
CHAIRMAN FRAZIER: So these agencies will be consulted as well, is what you're saying?

MS. JO-ELLEN DARCY: They made comments on the environmental assessment, yes, they did.

CHAIRMAN FRAZIER: You know, one of the things -- I know you represent the army, and I know that the army needs oil to function, so I'm really distrusting of the army.

You know, going back to our people who are up on the front lines, when they break a so-called law, they're thrown in jail, but yet when a non-Indian or an employee of the Dakota Access breaks a law, nothing happens to them. When a police officer breaks a law, nothing happens to them. Why is that? Any three of you can answer.

MR. TRACY TOULOU: Well, I'm not sure which incidents you're talking about, Chairman, but in regards to civil rights violations, there have been a number of allegations that have been forwarded to the Civil Rights Division that involve those individuals who you're talking about that weren't water protectors, and they're being reviewed to see if there's something that we can go forward on this. It's slow, but it's not, you know, it's not that they're going to be let off if they broke the law.
CHAIRMAN FRAZIER: One of the things I just can't believe, and that's why maybe Colonel Henderson has a disagreement. You know, they swore to defend and uphold the Constitution of the United States. And in that Constitution there's a Bill of Rights, and one of them rights is freedom of speech, the right to assemble, the right to pray, but yet on core land there's a barricade set up by North Dakota Police preventing our people from going further north, in our core land, right in the middle of that core land in North Dakota it sat there, to the north and to the east preventing our people from going to practice their First Amendment rights. It's just right there in black and white. I'm not an educated man, but if I could read that and understand that, why can't you? That's why I'm firmly believing Indian people, we don't have rights.

I always remember when this started, too, asking the U.S. Attorney's Office, "How come a white man can assault an Indian and get away with it?" And he said, "Because it's on state land." Said, "Oh, that's fair. So for the Indian, we can assault a white man on Indian land?" "No. You go to jail." Where is the justice in that?

You know, in these consultations, I mean, we've
had, our tribe was represented in every one of them, 
and we submitted our comments I believe in every one 
of them. And I'm really glad that you guys are here 
because we do need decision makers in these 
consultation processes. We also need all 
information given to us prior to a consultation. 
And what we really need is disciplinary actions and 
penalties imposed against government officials and 
employees when they fail to consult meaningfully. 
Because right now if they fail, nothing happens. 
They just start over.

Also we need to respect tribal governments. 
And I think you heard me say yesterday to the Corps 
about that. You know, the Federal Government has 
that trust responsibility to consult with us, 
particularly on the Missouri River. That river 
belongs to the Great Sioux Nation.

But I've been thinking about treaties. Before 
the 1851 Treaty, our people was up into Canada. We 
lived up there, throughout North Dakota, Minnesota. 
And it's sad that we have to rely on treaties to 
identify our homelands. But in reality our 
homelands are beyond the treaty lines, the treaty 
boundaries.

When you give respect to tribal governments in
this process, you need resolutions from every tribal
government for approval before you proceed on with
the project. We need to be treated like a state
PUC. We need that authority to say yes or no. But
these signature authorities don't -- shouldn't be
limited to our current reservations. They need to
extend to our ancestral homelands. Quit keeping us
in that box.

Are you aware that the Corps of Engineers has a
Programmatic Agreement with some of the tribes? Why
hasn't that been followed?

MS. JO-ELLEN DARCY: I'm not certain which
agreements you're referring to in particular,
Mr. Chairman.

CHAIRMAN FRAZIER: The one for the management
and operation of the Missouri River.

MS. JO-ELLEN DARCY: The one that we're
currently looking at (unintelligible)?

CHAIRMAN FRAZIER: It has been signed back in
2004. The Cheyenne River Sioux Tribe --
See, that's the problem, they don't care.
Are you aware of that agreement?

UNIDENTIFIED SPEAKER: Yes, I am.

CHAIRMAN FRAZIER: You were made aware
yesterday.
UNIDENTIFIED SPEAKER: I knew about it.

CHAIRMAN FRAZIER: So why hasn't it been followed? Because in that agreement -- see, why are us Indians made to follow laws and rules but you guys don't have to? Why is that?

(Applause)

CHAIRMAN FRAZIER: In that agreement we're entitled to access for religious and cultural activities, but yet North Dakota stopped us at that river, forced our people to stand in water, freezing water. And I'm tired of this, We don't want them charging up that hill. Why do we have to get a permit to pray? Why are we getting trespassing charges on federal land?

From the very beginning in May, I went over to the U.S. Attorneys' Office in Pierre, South Dakota with Randy Seiler, and I asked him and our Attorney General sent him a letter, same question, same request, "Will you protect our people from exercising their First Amendment rights?" He's never written back, but he did tell us verbally, "As long as they're on federal land and it's peaceful and lawful, they'll be protected." But that has not happened. We've seen their videos how they treated the people who were in that river. Have you guys
seen those pictures? How does that make you feel?

You know, the BIA, trying to ask them to protect our people with their law enforcement, and they refuse. "We have no jurisdictions over non-Indians in the Dakotas." But yet President Obama passed a law, Violence Against Women Act. And I have a picture of a non-Indian cop standing with his knee on a woman's head. That's violence. That's against a woman.

(Applause)

CHAIRMAN FRAZIER: What's going to happen with that cop? Nothing. That woman probably ended up in jail, now has a criminal record. What's going to happen to that cop? They're going to slap his hands, civil fine, that's it.

The Federal Government, you need to realize you're in a battle with the north, North and South Dakota, hatred, racism, not from us, from them. They've ignored it. Now it has arisen over this pipeline.

On Cheyenne River, I'm trying to think back to the history of our reservation where we know instances of non-Indians murdering our people, raping our women, but yet I can't think of an instance where an Indian did that to a white man.
You need to hear our side. Right now a lot of decisions are based on the reports from the Morton County Police Department. What makes them more honorable than our people? Is it because of their skin color? Is it because they're from a state? What is it?

I was told by President Obama himself, "I have federal monitors out there."

Chairman Sazue, have you seen any?

At some point somebody needs to come and take the side of the Indians, listen to our side, look at the facts.

Dakota Access had an employee, a loaded AR-15 shot on core land. Where are them reports? What happened to that individual? Nothing. I talked to the colonel about that awhile back. He didn't even know whether this individual was arrested. I speculate two things: One, the BIA never gave the report, or he didn't take the time to look at the report. But that was a serious crime.

Growing up I was always told, "Don't point a gun at people." (Native language), holy, sacred, because it could give life by hunting but it also could take life. "Don't ever point it at anybody. Even if it's unloaded, don't do that," our parents
always told us. But yet this man had a loaded
weapon, pointed it at women. It's on video. Have
you guys seen that video? What are we going to do
about it? That very same day that individual was on
Facebook so-called telling his side. North Dakota
ruled he was a victim. But what about that lady,
the women that had that gun pointed at them? That's
attempted murder. And that was on federal land, not
state land.

You know, I'm really hopeful that something
good comes out of this, because there's a lot of our
people that have suffered through this process. I
haven't. You haven't. But them people that's up on
the front lines, they suffer. We need to tell them
that their suffering wasn't in vain. All they are
doing is trying to protect our water.

I challenge you government people, go without
water for four days. Don't drink any. Don't eat
anything. Instead pray, dance and pray. Then
you'll understand the meaning of water.

I thank you guys for at least listening. Like
Chairman Kindle said, Let's do something about it
instead of just listening.

Thank you.

(Applause)
MR. TRACY TOULOU: Thank you, Chairman Frazier. And, you know, a lot of that is really hard for us to listen to, but we need to listen to it. And not everything that's happened (unintelligible) and certainly am sorry that some of the people in the audience and people in the camps have had to endure that. Hopefully this process, this talking, this listening will help us get to a better spot and so that sort of thing doesn't happen again and hopefully that makes it worthwhile.

I'm going to ask for Chairman Flying Hawk.

MR. BOB FLYING HAWK: (Native language) I want to thank you for being here and listening to all of us as leaders of our nations. And one of the things that I wanted to share and in the observations that I have is the thinking, the mentality. We as a people, a Dakota people, think and we have thoughts but it's different. It's ours. And we acknowledge that. We know that. Mainstream society has this thinking also. We have been told about a thinking, a mentality that's a part of our government of the United States called the Doctrine of Discovery. It's not anybody's fault. It's just there. And that's a mentality that comes from our homes, which is what I was told, the basic unit of our society.
As I look at what we're faced with here today and why we're here today, as a family, one member of my family has a problem, whether it be health, education, but I look outside of my family for help. And I'm trying to make an analogy here with all of us as being that family. And that river is that member of our family. It is a family member who needs our help. What are we going to decide to do to get that help to that member of our family that's going to be -- that's memorable or beneficial for us with whatever decision is made? And so I'm trying to make that analogy for us to get these two trains of thought together.

We are defensive at times. We're human. So if we're faced with a question, then we stand up and we put up walls; we put up barriers.

I always share with my committee members and some of my tribal members that I was told a story of a man coming excitedly to two of our ancestors who were standing with their pipes. This man had this book and he said, "Take this book and put down those pipes." So our two ancestors looked at each other and said, "Well, maybe we should do this. He might have a heart attack." So they did. This man gave this book to two of our ancestors. They took it.
The man said, "Well, all right, I saved the savage."
But that was our ancestors. That's our thinking.
We looked out with that understanding for the
welfare and health of us as neighbors, as people for
the humanity of us all, but yet that's not given
back to us; it's not reciprocated. And that's all
we're asking here is to take down this disconnect in
communication. And I wanted to just begin with
those two things.

I'm asking that -- some of our tribal members
here, I have a member of our THPO committee that I
would want to share some thoughts, also our treaty
committee, two of our council members, so they will
be sharing some thoughts as you allow them to do.
I'll give you their names here.

But I just wanted to share those thoughts with
you and ask for your understanding and that we
continue forward in this effort.

Pilamaya. Thank you.

(Appause)

MR. BOB FLYING HAWK: We can do that now, so if
we could start.

MS. FAITH SPOTTED EAGLE: You know how grandmas
are, we get complicated.

(Native language)
I come with the hope on this beautiful red day that we will be able to make influence in the changing of minds in the systems that we work with that are very (Native language) or violent.

Before I start, I want to acknowledge the mini (Native language) that I have brought here. And this mini (Native language) came from the ceremony site, the (Native language). True, it's unfortunate that we had to get a permit. I think in another time and space I would have argued until I was blue in the face with Colonel Henderson, but considering DAPL was staring down my throat, I made a compromise, which I was not happy about, but we got a permit to do a ceremony. Because the higher call was to visit a sacred place that has existed there for thousands of years, hundreds of years, decades, layers of multi-generational sites, layers of multi nations, layers now continuing multi-generational trauma.

So as I say these words, this water has been listening at the ceremony. It's listening today. And I'm going to ask one of the members, possibly Valerie, because she's listened to us for a long time, to offer this water to (Native language) because it is the witness to what we're doing here.
Somebody talked about cultural competence training in the Federal Government. We have to examine that cultural competence training because oftentimes it doesn't speak for us. So we don't trust that. So I would have to experience that; I would have see it before I take it at your word. But I appreciate you making the attempt.

But one of the things that we do in our culture is we bear witness. So the water, the (Native language) is the witness to your words today. Every time we have something significant happening in our camp circle, somebody has to witness it for the winter count. We have winter counts that have memory of a 1713 winter count at Cannonball. It is actually written on a buffalo rope. There are winter counts of multi nations being there during ceremony. So I think it's no accident that all the agencies have come together with our nations at this multi-national, multi-spiritual place. It's part of our divine plan. (Native language) is rejoicing that we finally have come together.

So the testimony that comes out of here remains to be seen as to whether we actually stop weaponizing it. Because I've learned a lot of different interesting terms from my daughter who is
getting her doctorate in anthropology at the University of Washington. She has this cool language that she's sharing with me. One of the things that she talks about is how we use systems to make weapons. I think truly the consultation process has been weaponized. It has become a weapon that has used, been used on an entity that has less power. And that's what we have been subjected to. So consequently we've had a chance to really practice about this weapon. We are experts at grading all the federal agencies that want to try to consult with us. We get to see you perform or not perform in front of us. So sometimes we'll give BLM a D. A lot of times we give the Army Corps an F, but I still have hope. We will give U.S. Fish & Wildlife maybe sometimes a C. In this round they're getting an F. We are suing them. But we see all of these federal agencies not being able to perform. They all have a different idea of consultation.

I have heard archeologists out in the field shake their head. I was at a consultation in Wyoming, and this archeologist -- we were working with the colonel out there who happens to be a descendent from (Native language). He has (Native language) blood, so he's got DNA that allows him to
see in a different way. So right away he sought me out and shook my hand. He said, "I'm probably related to you." And I thought, Oh, no, he's got a uniform on. But it turns out he is related, so I have to claim him. You don't always choose your relatives, right? So in this situation it benefited us because you could tell that he thought differently. And he thought long and hard. And the meetings continued. And when he was taking us out into the field and saying this was only the beginning of a process, the archeologist on point there said to me, he said, "You know, this colonel is really different." And I said, "Because he's [Native language]?" He said, "What's that?" And I said, "Never mind. Private joke." But he said, "He's not like all the other ones that just meet with you and they go home and they say they're going to see you again, because they're not." This is an archeologist that works with the federal agency telling me this.

So it reaffirmed, and we know this. I don't have to repeat this story. But I think we've been called to leadership in our generation to be able to address -- or to stop weaponizing this process. Because when you think about the laws, you think
about -- I saw somebody post a meme. Yes, I'm a Facebook grandma. I saw somebody post a meme that apartheid was legal, the Holocaust was legal, slavery was legal, colonization was legal. Legislation is not about legality, it's about power. So what we're facing is systemic power.

The other thing that we're facing, and I see it clearly in all the, I don't know how many consultations that I've sat through, but I learned this term from my daughter, too. I don't know if she's -- she's probably hiding somewhere when her mother speaks. But she uses a word that I think really adequately expresses the arguments and the feelings getting hurt that come out in consultations, I think sometimes we engage in oppression Olympics, when the Army Corps gets their feelings hurt because we're saying they're not doing their job or they tell us something, so on both sides of the coin we have historic trauma that we're dealing with on both sides.

So the role that we have in this discussion here that the water is listening to is that I remember Russell Means said something one time, and I see relatives in the audience and I put up my hand to you, he said, "When you heal, I heal." So our
job as Native people is to heal from the rage and anger. But then it keeps coming up. You heard that in (Native language) Brandon's voice. It keeps reigniting because of stacked grief and trauma. So it's not one incident. It's this height. You hear it in the government agencies through denial. All of that is on the trauma response, denial versus rage and anger. So the call to responsibility in leadership is to heal, not to weaponize legal processes. So hopefully -- but you know what? You can't do that unless you heal. You can't take people where you haven't been. So if you've been an oppressor and a tyrant, a paper warrior, you're not going to be able to take us to those places. You have to be able to cry; you have to be able to throw tantrums; you have to be able to understand what happened on the front line, and then maybe we'll begin to evolve.

So I'm really, really curious about your cultural competence training. I need to experience it to see what kind of grade that we can give it. Because it's not a given that it's going to be okay.

I want to pay attention to some of the things that I wanted to share with you. I am who I am (Native language), Faith Spotted Eagle (Native
language). We were eagle catchers. My grandfather was an eagle catcher in the (Native language). We didn't kill the eagles. We took the eagles for the feathers that we needed and we let them go. I keep telling my son he needs to do that, but he's resisting that right now. He says, "Mom, you should do that." Maybe I will. That's a heart call to leadership.

The (Native language). I'm (Native language); I'm Sicangu; I'm (Native language); I'm (Native language) and I'm also a descendent from (Native language). So I carry a lot of different stories, and I carry a lot of different memories. So I'm going to try to integrate that some in some of the words that I'm going to share with you with the water listening.

A lot of times when we sit in these endless conversations that have been weaponized, we frequently fail to recognize when these actions will impact tribal interests. One of the biggest tribal interests that we have is water security. When we talk about water security, we're talking about quantity, quality, timeliness of water that is going to impact water stakeholders.

The water stakeholders that you have standing
here before you are not just the St. Lewis
navigation people, they're the 1851 treaty holders. When we think about the 1851 treaty, and you're
going to hear this and you're going to really learn
the 1851 treaty real well. I'm really happy about
that. We're all going to be able to be versed in
the 1851, the 1868 treaty.

But I was told by my -- I remember when I was a
little girl, I would hear my grandpa and grandma
talking in real hush voices. They were -- and I'd
be waking up in the morning and they'd be talking
about the treaty. When we talk about the treaty,
it's really important for us to think symbolically.
This is reservation. This is treaty in regard to
our land. This is aborigine. So what we're talking
about in DAPL is treaty and we're talking about
aboriginal rights.

We have research from one of our relatives,
Dr. Robert Armani who is a doctorate from Sioux
Valley. And his research has found archeological
evidence that we were present as Dakota people in
24 states, in the lower states, on Turtle Island and
five provinces in Canada. We have a river in North
Carolina called the Ashanti River.

Roger, you're going to have to go visit the
Ashanti River.

So there's evidence that we've been there. We've been to a lot of these places. So if we've been there, our graves are there. If we've been there, our memories are there, our DNA is remembered.

So in regard to that with those tribal interests, we have -- what we have done, the Yankton Sioux Tribe in this process has recognized something that ends up being done. Remember when I talked about colonialism being legal? Every time we have this discussion with archeologists, there's some factors that come into play. What we're dealing with in these consultations is what I call colonial archeology. Colonial means that it came from somebody else. When the colonists came, they were a starving, homeless people who had been oppressed. And so through a treaty, the 1858 treaty among my people, this one is one that I really grieve. My great, great grandfather gave 2 million acres in South Dakota away, all of eastern South Dakota, because they have compassion for these people. And you know what? Those people have not taken very good care of that land. Re-learning to be your relatives, lots of training and compassion teaching
to be done. But I don't want to shame people. I just want to be aware that is a call to leadership.

So we have colonial archeology. That means that they come to a meeting and they tell us what we have to do. They develop the agendas and they say, "Oh, Omaha said this." We have a consultation and the front line isn't there. It's two or three removed people that we have to talk to that we don't know if they're going to say -- they're limited by their understanding. They tell another supervisor; they tell another supervisor. By the time it gets to the colonel -- remember that exercise when you whisper in somebody's ear? Who knows what words get to that final person. So what is thrown out is that they will set the agendas.

There's another kind of, something called resistance archeology. That means the goals are set by somebody else. You see that all the time with these contractors that come in that are archeologists, they have their criteria set. In the area that's going to be affected, that's entirely their language. It has nothing to do with us.

Another thing is in participatory archeology, the goals are completely separate. We go into that meeting and you heard Brandon; you heard Dave, all
of these nephews say, We told you "no".

If you look at the word consultation, it's a dominance word. It means that the decision has already been made. So that brings to discussion that pre-decisional meetings have to happen. Consultation is not a good word. It's a danger word. There has to be discussions pre-decisionally.

One of the things, the power that has come about in recent years, you all know what UNDRIP is, United Nations Declaration on the Rights of Indigenous People, that's a mouthful, but it has a lot of power. And what it says is that we have to have free, prior and informed consent. That can't occur if you engage in these other types of archeology. It's not even on the table. So that means that we have to revamp the whole, you said infrastructure, so you have moved into seventh generation thinking. We're not going to probably solve some of these problems in my lifetime.

It's -- infrastructure means that the whole system needs to be revamped. And unfortunately some of you have limited terms probably in your jobs, so we're going to have to figure out in these messages that are taken down, how the downstream institutional memory of this meeting, other than the
water, make sure that it survives your tenure as a job.

Because I work in organizational development, and sometimes you will see a movement go through an organization that will get stuck on somebody's desk where there's no human being. And that's actually what happened in the Programmatic Agreement. In 1999 -- I'm happy that we have this meeting because I remember in 1999 on a cold winter day in December when 40 of our relatives came up from the Missouri River. They surfaced, bones of our ancestors. I went down to the Corps and I said, "Hey, you gotta stop the river. Our ancestors are surfacing." They told me, "We don't have control of that. Omaha calls the shots." I got really angry. I started crying. My historical trauma came about. But we ended up devising a strategy. Long story short, $200,000 later. I'm happy today that my tribe doesn't have to spend $200,000 to get you to listen to us. That's how much it cost us to take the Corps to court in the White Swan case. And we did win. The Section 106, they foreclosed on the Programmatic Agreement at White Swan, and that's why the new PA came about.

But having gone through that process, which was
really painful, we decided that we were not going to be signatories to the PA because we have no trust. The PA never fulfills what is written down. And that is happening right now. There's a Memorandum of Agreement that came as a result of the PA. There are not even appropriate signatures on that agreement. It's incomplete. But it's being weaponized once again, and it was used -- DAPL used it for our tribe that has never signed that Programmatic Agreement. And the tribes that did sign the PA were, once again, lied to, like you can hear Chairman Frazier talk about that. So as we speak, that PA needs to be terminated. It's a false document. It's a falsified weaponized document. So at some point there has to be some truth telling about it and realization that, in our language we call it (Native language) or clarity.

The other thing is policies must take into account cultural practices, ancestral lands, treaty rights and traditional areas of cultural or spiritual importance. Yesterday -- or two days ago through working in cooperation with Colonel Henderson, we were able to go to a site on the Missouri River on (Native language) that is in the direct path of the pipeline. We were not allowed to
go there to survey as (Native language). These
weaponized laws prevented us from going there, but
through ceremony and understanding, we were able to
go pray at that site. And guess what? We found a
huge burial site, huge, large, large (Native
language). And so that is the indigenous science
and knowledge that we have.

There's -- somebody told me about Pueblo
Bonito. In the Pueblo culture in the southwest,
they said in 1880 some archeologists went down to
the Pueblos and they were excavating, and they found
what was an old stove. And in the back of the stove
in the old pueblo was a bunch of wood. The
archeologists, now they shake their head in horror
when they find out those original archeologists in
1880, you know what they did with that wood?
Instead of dating it, instead of learning about
where the wood came from, where the wood traveled
from, guess what they did? Instant gratification,
they burned it.

So that's what's happening on DAPL. They're
not burning the sites. They're destroying them. A
hundred years from now those archeologists are going
to say, What were they thinking? You know, where
were their brains? Where were their spirits?
So the point is that those ceremonial sites that we found down there, those have to be saved. Those absolutely have to be saved. It's a huge area. And you know what? It's not any different than a lot of areas along the Missouri trench because water is life. That's why we were at the water. A lot of the women sites are along the Missouri, right by the water because we cooked; we took care of babies; we had to watch the camp while the men hunted and watched over us. So a lot of the men sites are higher. Only we know that.

We have documentation in our winter counts, which is really precious long-term knowledge which is thousands and thousands of years old. We could teach you. We could share that. But the door has to be opened.

Treaty knowledge -- oh, the other thing I want to say in federal agencies was adopt a clear and unambiguous policy for identifying which tribes on a particular project sometime need a mediator. Because when you talk, like Chairman Flying Hawk said, and you didn't understand that because he said it in our language, when you say something in western way, in English, I say it differently in my world view. And you saw that on the front line,
right? Our people were talking about our pipes. We were talking about the sacred items that we have to pray, our sacred pipes. And what did DAPL say? Pipe bombs. In another day that would have been humorous, but it's not humorous now because it was used to injure. Again it was weaponized. So that's an example of the total lack of cultural competence and the danger that it presents when that happens.

So most of you -- some of you heard me yesterday, but we have actual documented evidence on the front line on the radios on that day on October 27th when Russell and some of the others, Casey, my sister Casey was arrested. On the radio one of the guys said, "Tonight we're going to make half-breed babies." That's a statement of war. The front -- the people who end up suffering the most in oppression are the women and the children. So I think that in line with that, there's probably some women/children issues that need to be looked at that are gendered. There's some gendered violations that are going on here. And a man certainly wouldn't understand it.

I want to say something about if a tribe has adopted its own consultation protocols as the Yankton Sioux Tribe has done, the federal agency
must adhere to those (Native language) or protocols. We are very pleased to share with you that after all of those painful years of not having good conversations with federal agencies, every now and then we'd be surprised, but we thought, We're not going to do that anymore. This is too painful to go to a meeting and get insulted. Why would we do that? Why do we continue to get our blood pressure up? So what we did, and I think everybody has a divine plan --

And unfortunately, Colonel Henderson, you're part of our divine plan, or fortunately. -- we came up with our own consultation protocols that we would like to hand to you. We have developed -- because we go to meetings and they have developed the agenda. Why don't we have an agenda that involves us? It makes the most sense in the world.

So these protocols, I'm not going to go into them. There's not much time. But it's called (Native language). It's our laws. It provides purpose, scope and cultural protocols. One of them is relationship building should be at the center of any consultation, as this is a primary cultural protocol for the (Native language). Relationship
building cannot occur through one meeting, by
telephone, or in some cases 364 documents of
consultation with Standing Rock Sioux Tribe. I
don't think that's relationship building. You gotta
be in person to build relationship.

Agencies must recognize that water is viewed as
the first medicine, and it must be honored and
protected. Water is vital to the spiritual
practices, culture and health.

It must be in the record that our tribal people
have expertise and knowledge that makes them
traditional, cultural, ecological knowledge that
qualifies us, with or without a master's degree or a
doctorate, to identify these resources.

So that's part of our protocols. We've listed,
there's like -- I don't know how many pages we have
here, but we're going to hand that over. We're very
proud of this because this is our world view. And
when you come to our land, we don't consult at the
power house. We consult on our land. Why would I
go to the power house? There used to be a fort
there, more historical trauma. So I'm going to hand
those to you, if you could take that. These are our
protocols. The water is listening.

I want to say something about treaty. I know
I'm running out of time here. Treaty councils must
also be permitted to participate in consultation. I
am the chair of the (Native language) Treaty
Committee. I'm very honored to be that way -- to be
on that committee. In our tribe we are chosen by
the people. We are chosen for lifetime unless we do
something erratic like stealing a car or doing
something, so hopefully that's not on my agenda.
But I serve for a lifetime. And so we're
responsible to the people.

When we look at treaty, I am so happy that
we're having this discussion. As a person who
descends from treaty signers, when we signed the
1851 treaty, according to oral history and also
written history, there were a thousand Yankton
people that went to sign the 1851 treaty. There
were a total of 10,000 Native people that ended up
at Fort Laramie. More than that -- 3,000 more than
at Standing Rock. Can you imagine that many people
bringing their pipes? Not pipe bombs but pipes.
And so in view of that, those documents that were
signed were spiritual agreements. They were done
with prayer. And believe it or not, those prayers
are still traveling, and maybe that's why we're here
today. You might be able to fulfill what was signed
at Fort Laramie.

The boundaries of the treaty, territory of -- oh, the other thing that I want to say before I read this is that treaty councils must have signatory authority on treaty and ancestral lands. That is our duty that we have been called to fulfill for our people. Signatory authority, that's very important.

The boundaries of the territory of the Dakota were defined by the 1851 treaty at Fort Laramie. These boundaries establish our territory reserved by (Native language) and other members of the Oceti Sakowin. This reserve tribes not only possessory rights to treaty territory but also user fractory (phonetic) rights which inherently run with the land. This includes hunting, fishing, harvesting, water use. In fact, I have the winner's doctrine, which is senior water use. In fact, the rights to hunting is expressly preserved in Article 5 of the treaty.

Although the borders of the treaty were diminished by federal acts which disregarded the treaty, we still very much exist today with respect to the tribes non-possessory interests which is user fractory (phonetic).

Regardless of whether -- oh, furthermore, to
Article 3 of the treaty, the United States bound itself to protect the aforesaid Indian nations against the commission of all degradations by the people of the said United States. So you signed a treaty to protect us against yourself. And that's what we're dealing with today. We have to protect ourselves against you. And you represent that nation.

The construction and operation of the pipeline through treaty territory is precisely the type of degradation the U.S. should be protecting with the clause in the constitutions that treaties are the supreme law of the land.

And it is observed with other countries. And the other countries are watching. While I was sitting here, I got a letter -- I mean, a Facebook message, a text message from the Deputy Assistant of Energy in France. I met him at Comp 21 last year when I went to France. And he said, "What's going on," from France.

So the world is watching. And so we have this great opportunity to demonstrate stewardship, leadership. And so again, I ask you to do that. We're going to give you these documents. And I just want to show you this. I'm not going to rave on or
rant about it, but what the (Native language) is
doing is we are going further and we're going to
have probably 20 or 30 consultations on this. We're
saying that right now. This is a bio region of the
Missouri River main stem. We are mapping it. And
we are layering it with water scientific knowledge,
water security. We're layering it with indigenous,
traditional, ecological knowledge and ethnobotany.
And you know what? It's going to help your
grandchildren, too, because we drink the same water.
So this is an example that we're going further.
This is going -- and we hope that this change is
going to allow us to do it. Because we're going to
do it anyway. But we can be partners in that
process.

The other thing I wanted to mention is that
remember I said that like treaties sometimes are
more important on other nations' level and we're
ignored? During the Roosevelt era, he signed a
treaty called the Roerich Treaty. And an actual
flag came out of that treaty. And so when they were
at war in Europe, some of the cathedrals, some of
the sacred sites that were in existence in those
countries, they actually came up with this
flag (indicating). And this came from Roosevelt.
It's kind of dirty. It's been all over camp. But this was the Roerich Treaty flag. And they actually hung this flag on sacred site areas to prevent them from bombing. And that was an international agreement. And so we hope that we can develop the same type of thing, that we can develop or save those sites, even with the Oceti Sakowin flag. We need to flag those areas.

I have numerous other things, but I think I need to be quiet now. And we will give you written testimony. And we'll also give you a copy. I'm sure you have a copy of the UNDRIP document. Do you all have that with the cultural resources?

Maybe, Valerie, you could educate them on that?

But I will end there, with a request that one of you or two of you or however many come after the talks and that we offer this water.

So, Valerie, you, for one, if you could get some of the other delegation so we could offer this testimony.

Thank you.

(Applause)

MR. TRACY TOULOU: I think we actually have a couple of elect leaders that we need to have speak first, and then we'll jump back in, okay?
So President Weston, if you want to come up.
Larry has got a response here.

MR. LARRY ROBERTS: I just wanted to say thank you for sharing the tribe's protocols with us on consultation. As we're thinking about and hearing your words, what was occurring to me was we need to -- we need to hear where consultation has worked well and build off of those successes. And so what comes to my mind is, you know, one of the great honors that I've had as being part of this administration is being at a consultation here in Rapid City on the Indian Child Welfare Act and for the department promulgating regulations (unintelligible) for the Indian Child Welfare Act for the first time since those had been enacted in law in the 1970s. And the consultation feedback that we got was from tribal leaders saying, "This works well. This is a historic consultation that you're coming here to truly engage in how these regulations should work for our tribal communities."
And so the more concrete examples we can get, whether it's tribal protocols or other examples so that we can incorporate those, the better.

The other thing that I just want to say very quickly is I just want to acknowledge we have a lot
of kids in the room here, and I want to acknowledge them being here, because they're part of history here in doing this. And they're our future leaders, right? And so everyone here has a lot of opportunities to do different things. And too often we see kids playing video games instead of being engaged. And so I just wanted to recognize the young people that are here in this room for being involved and being engaged. And whether they know it or not, they're going to be future leaders moving forward.

MS. CASEY CAMP-HORINEK: Could I respond to your statement? Even though that might have been a feel-good meeting, there are no existing protocols, so it's still air in regard to consultation.

MR. LARRY ROBERTS: In regard to consultation, that's right. And it's building off of those, that's right.

MS. CASEY CAMP-HORINEK: There is none right now. I just want to make that clear.

UNIDENTIFIED SPEAKER: Russell, go ahead.

MR. TRACY TOULOU: Russell, go ahead.

MR. RUSSELL EAGLE BEAR: I don't want to offend one of our leaders, but we do have some kids in the room. I invited them. I know you've heard from
leaders. You've heard from elders. But I think you need to hear from the kids on what kind of message they brought for you.

(Applause)

MR. RUSSELL EAGLE BEAR: And I know you're hurting for time, but we want -- hopefully -- they're hungry, too. And they want to address you. And so hopefully you will give them some opportunity to do that. I certainly would like to address you, too, but I'd rather reserve that for our youth.

MR. SCOTT WESTON: Are we ready? Okay. First of all, good afternoon. I want to thank everyone here. And I want to apologize to my elders for standing in front of you and speaking in front of you.

But I have been selected from my tribe to stand in front of them.

And I want to thank our young people for showing that they care.

And I want to thank you, the United States Government, once again for trying to exterminate us. That may seem blunt. It may seem mean, and it may seem like I'm not this very likeable guy right now, but that's me. I can be as cordial and respectful as needs to be, and I'm doing that, but I'm speaking
from my heart. And when I say that, I come in a
good way, but it's in a frustrated way, because you
sit here all day and you sit here for all this time,
through all of these years. Why is this problem
where it is today? Because your laws, your policies
dictate that. So I want to remind you -- first I
should ask you this: How many of you have read the
Constitution of the United States? Our treaties are
mentioned in the Constitution, is it not? Are they
not? So thereby, that should supersede every
policy, every law that's ever been placed out in
front of us that we are dealing with today. That is
the supreme law of the land. It's been mentioned
prior to me saying it.

So I have just a few suggestions. When you go
home tonight and you think about everything that was
said today, and I don't know how much you prayed,
but I hope you pray tonight because you are putting
the lives of my people within the Great Sioux Nation
at risk to die. Is that what you want on your
heads?

Because from Day 1 the people at the camp have
been respectful, following the government, law,
state, Army Corps of Engineers, Bureau of
Reclamation. We are the third world country in
America's backyard, and we do not have a voice, except for this here. Why do you allow this to continually happen? Why? And please pick your heads up and look at me when I speak to you. That means a sign of disrespect when you look away from me. I want to be respected. I think I've earned it. I think our people here have earned a right to be heard.

Because we stand and we love our people so bad that we will die for it. We will die for that. And do you want that on your head? And I'm not trying to make a threat. This is not a threat. We came in prayer. We came in a good way. And still, you're still standing there continually doing the same thing every day. But we're like, going to be like that cat in the corner, that rattle snake in the brush, if you threaten them, it's going to bite back. Is that what you guys want? Our people are willing to die for that. That's where we have to be real and forget about our paperwork. Think about what's in your heart. Think about what's in your mind. Because if we don't do this today and start thinking about it today -- because you didn't deal with it anyway. This amendment Part C or whatever, you knew about it in 2002. Why wasn't it changed
then? Why wasn't it even approached?

So let me ask you this: Are you going to do this or not? Can I get a yes, no, or...? You can look away. That's fine, too.

MS. JO-ELLEN DARCY: Appendix C, earlier, Mr. Chairman, we did say that we were going to look at improving it. So yes, we are listening and yes, we will.

MR. SCOTT WESTON: So you will stop it?

MS. JO-ELLEN DARCY: We are talking about Appendix C.

MR. SCOTT WESTON: Yes.

MS. JO-ELLEN DARCY: And I said earlier that we are going to work on improving it along with the Historical Advisory Council.

MR. SCOTT WESTON: And then you're going to stop this altogether, this nonsense. Because our people are willing to die. I'm tired of being respectful. And I'll say that because our people have fought forever and ever and ever.

You know, I was a young man in 1973 when Wounded Knee took place, I was there. We were there. We were the corridor on the north side in Porcupine that got the guns in and out, yeah, at my dad's house, Spencer Weston's house. We seen it
all. We were there. We were this high
(indicating). We did it. And I guarantee you what,
if you think -- because I don't know if anybody has
talked about this in any of these other
consultations. I was asked by a lawyer, a state's
attorney, "What do you think will happen?" I said,
"Do you think this was bad, Wounded Knee? You're
going to have a war on your hands. That third world
country is going to come and bite you." And it's
not a threat. We are fighting for our lives. This
is our lives that you are affecting and will affect
for eternity.

And we do not need -- I don't -- I don't -- I
hate the paperwork. That's why -- I know this for a
fact. My uncle said this for years and years and
years, a past tribal chairman, and I'm very proud to
carry on that legacy within our family. And his
words that my grandfather passed to him is that
there's one thing that we know of: There's not
anything that a diploma, from a Ph.D., a doctorate,
however, bachelor's, master's, whatever, they cannot
tear our treaties apart. That is the supreme law of
the land. And they didn't need to be educated.
They were already educated because it came from
their heart and from their mind. Those are our
ancestors, our men that took care of us, that we are here today and we'll fight to keep that going.

So I don't want to take up a lot of time. I know some people think I'm long winded. But I just want you to think about this tonight. When you go home and you pray about this, honestly think about it, throw these policies out of the room because our treaties are the supreme law of the land and should be forever. As long as the water flows, the grass grows, our trees will stand, unless America dies and rolls over. So you think about that.

And my good people, to my relatives, I thank you for letting me stand in front of you today.

Aho.

(Applause)

MR. TRACY TOULOU: Okay, I'm going to check and see if we've missed any tribal chairs or tribal presidents. And if we -- do we? Then we're going to take a break and we're going to come back. We have a long list.

MS. DARLA BLACK: Before you begin, can I speak?

MR. TRACY TOULOU: We're going to take a break, and then --

MS. DARLA BLACK: I'm the vice-president of the
Oglala Sioux Tribe.

MR. TRACY TOULOU: Go ahead then.

MS. DARLA BLACK: (Native language)

Our ancestors, our grandfathers, our grandmothers survived. We didn't come up here to create conflict. We came here to try to find a solution. We have to find a solution in a good way, in a Lakota way.

The Oceti Sakowin is a powerful entity. You have seven of the Lakota, Dakota and Nakota Nation, and the only way we can accomplish something (Native language) is through prayer, cooperation, respect, compassion and generosity. Not all of us Oglalas are wild Oglalas. There are some of us that were raised by grandmothers to be respectful.

So I ask you today in a kind way, protect our people at Standing Rock. Protect our women that are coming up and possibly being raped. Protect our women from the mace. Protect our women and our people from what's happening to us. I've been there. I've stayed there. I went there and I prayed.

I utilize my beautiful Lakota language and our spirituality to try to create change. It was prophesized (sic) that all races would come
together, the red, the yellow, the black and the white. And that's what you see there. When the people from Japan came, you have all four colors there. It was prophesized that we would be standing up for our water. We all came here knowing this. But you are our relatives. You have children. You have grandchildren. Now you've heard how much the water is important to us. It doesn't just give live, it's our relative. You heard one of our sacred grandmothers say that. Because when we say (Native language) oyasin, we're not talking about the two legged. We're talking about everything in this universe.

So if there's anything that you take from us today, please help us, protect our people. Because your people are up there, too. All four races are there. No more harm, no more injustices, no more human rights violations. Because every time I see those videos, I cry.

There's many of us out here that are praying, many of us that still practice our sacred ceremonies, and we pray for the safety of our people that are there.

My name is Darla Black, and I'm the recently elected vice-president of the Oglala Sioux Tribe.
And I'm very proud --

(Applause)

MS. DARLA BLACK: I'm very proud to speak for the Oceti Sakowin.

Mitakuye Oyasin.

(Applause)

MR. TRACY TOULOU: So we're going to take a -- we're going to take a break. We went through 12 speakers. We have another 14 to go. So let's take a five-minute break and come back and we'll get on with this.

(Recess taken)

MR. TRACY TOULOU: So we've got quite a few people to get through, and I know that we're going to run through the lunch hour. If people who are on the list and asked to speak want to come up and tap me on the shoulder if they need to get something to eat now, you know I know -- my wife is diabetic. She couldn't sit here this whole time. So if people need to go out and then come back in, tap me on the shoulder and I'll put you at the end, okay? But we want to keep running because we need to clear the room by 3:00. And I'm happy to talk to people outside, but that's not the same forum.

MR. C.J. CLIFFORD: Thank you.
Okay, I guess after break here we have the
St. Francis Indian School, and we have their mentor
of three students. And at this time I would like to
call up Ione Quigley who is the mentor of -- the
three students coming up is Jeffrey Castaway, Ricki
Leader Charge and Keshena One Star.

And I want to welcome and thank you guys. Come
on up.

MS. IONE QUIGLEY: (Native language)

My name is Comes Last Woman, and I come from
the Sicangu Nation. And although I have been told
by my oyate and my father to not stand in public and
talk about yourself, I feel that you need to know
who I am and who I bring with me.

I am fortunate to have my identity. I have my
language. I know who I am. I know where I come
from. I was fortunate to have a western education
as well. I am a cultural resource management
specialist. I taught at our tribal university for
12 years. And I remember back in 2000 the class
that I was teaching heard me say that, "In this year
we're having a war over oil. Give it 20 years from
now, we will be having a war over water." It's not
quite 20 years. It's 16 years actually, but it has
been coming. Whether we want to admit it or not, it
has been coming.

I have done consultant work with the National Park Service. I have done consultant work with the United States Army on Fort Guernsey. I have done consultant work with the Corps of Engineers. I have taught the Cultural Resource Management Program for 13 of those years.

In the last four years I have been at St. Francis Indian School, and my students now are learning. They are learning about who they are, about the land that they live on, about their water, their air. They have been learning about their own self identity that is connected with their environment.

And I know Colonel -- am I saying it -- Colonel Henderson, I know I heard you say that a lot of the words were redundant and repetitive, and you probably heard it all. You probably even heard what I'm saying, but the thing is too many adults take it upon themself to speak for the children. We have young ones that have their opinions of things, that know what they want for the future. We have young men, young ladies at our school that are realizing what it would mean if we were to let the Dakota Access Pipeline go through.
We know the (unintelligible) of what is about to happen should it be allowed, and we stand here before you today because we think it is very, very important to hear the children and what they feel about their future and the water.

So right now I want to introduce the three students whom I have been mentoring, and I want you to listen.

And I want to thank Russell Eagle Bear, our Tribal Historic Preservation Officer from the Rosebud Sioux Tribe.

I want to thank you, Clifford, for allowing us to say what we're about to say.

And I thank all of you for listening to us. I think if you don't hear me, if my words are redundant, please give the respect to these children and hear what they have to say.

And I appreciate all the leaders that have come and spoke. I appreciate that. But too many times we overlook our young generation. And right now I appreciate the fact that you're going to be hearing from the three students from St. Francis Indian School.

Mitakuye oyasin.

MR. JEFFREE CASTAWAY: My name is Jeffrey
Castaway, and I'm from the Rosebud Sioux Tribe where I go to school at. I'm a junior at St. Francis Indian School. And I'll be honest, I don't know much about politics. I'm not good at many things political because I try not to stay involved because politics, it does take a lot of (unintelligible) and it does tear people apart in many ways.

I'm only 16 years old, and I've been involved in the Dakota Access Pipeline for four months now, since the beginning of August. A year ago I didn't imagine this would be my life because I figured I was just a young kid.

I'm only 16 years old. Last year I was 15 years old, and I figured I'm only a 15 year old, my voice will never be heard; I will never get a chance to speak in front of crowds like this. I never thought I would be here today because I had that doubt only because I was younger that I'd never be heard, but I still had hope that I could make a change and I still had a hope I could change minds and be heard. And that's what gets me through my day every day is hope. Even the smallest sliver of hope still gets me through my day to speak.

And this is actually pretty hard, considering the fact I'm only young. But I am still a young
kid, and children my age shouldn't even be involved
in this. This shouldn't even be something that
young kids should (unintelligible). I should be at
home right now or in school, playing video games,
learning, but no, I'm here speaking to all of you
who are years ahead of me, who are generations ahead
of me.

And the Dakota Access Pipeline in my opinion
needs to stop. It's not something that is needed.
It's oil. Water is more important than oil. It
powers vehicles, sure, but it -- you know, it gives
us energy; it gives electricity, but we need water
more than we need oil. Water is, it is essential to
everyone's life and wellbeing.

This is actually hard. I'm only a young kid,
and I shouldn't be involved in this at all, but here
I am standing before all of you speaking, you know,
hoping that I can change your minds. Because yes,
elders have spoken and yes, you're all older than me
and you have spoken, but you have not heard what we
thought about this because everyone believes they
think they know what their children want, they know
what their children need to say.

For vast years I have been mentored by
counselors. They have mentored me. And I am also a
young counselor in training. At the beginning of the Dakota Access Pipeline, when I started getting involved, I have had children my age contacting me telling me things that happened up at Standing Rock. And at first it was things such as they brought dogs and they were attacking people or they're arresting elders. But now it's harder for me to even talk to these children because I have to stay up very late. The past four weeks I have only gotten three to four hours of sleep every night because I'd stay up with these children and talk to them about it. They were taught to stay strong. They held a sign up because they are being shot at with rubber bullets, because they are being stuffed in cages, given numbers.

And these are children who are still out there standing strong. Because the elders themselves said they are done speaking and that it's the children's time to speak. And that is why I'm here today to speak to all of you folks, hoping that I could at least change your mind about the Dakota Access Pipeline. Because oil is not essential to life like water is.

We are only children. We don't need to be involved in this at all. I'm only 16 years old. I'm barely going to be 17, and I'm already more
involved in this than I should be. I don't even --
I didn't even expect myself to be counseling
children my age. Because I was told that they're on
the verge of PTSD or because they don't want --
they're scared to sleep in Standing Rock in fear of
being arrested and stuffed in cages.

Children shouldn't be having to deal with this
and neither should adults. We are all one people.
I could look at all of you and, like I said, you all
breathe like me. You all breathe like me; you all
live like me. Some of us have a better life, yeah,
but we still do the same thing every day and that is
to live and to survive and to provide for our
families.

And I don't know how many of you have children,
but I think it would be better -- it's a better
choice to go home to your families and tell your
children that, I'm trying to save the water, rather
than going home to your children and tell them that
you're fighting for a pipeline that could possibly
destroy their future and the water that they drink.

Adults only think about what they believe
children want, what they believe is essential for
the future, and this pipeline is not essential for
children's future. Our water is.
And I want all of you adults to go home and to
go to your families and tell them the truth, that I
am fighting for our water. Tell them the truth, I
am fighting for our pipeline, water, oil. Let your
children know what is going on. Because even the
press aren't allowed at Standing Rock. And words
can be a lie. You can lie with words. And I
believe the reason no one is allowing press up at
Standing Rock is because a picture can't lie. Words
can lie. But once people see -- when people say,
"Natives are attacking us, it's only self-defense,"
they'll believe it. It's a lie. But they see the
picture of Natives standing together in prayer, you
can't lie about that. You can't lie about prayer.
You can't lie about Natives standing together in
peace.

The only thing I wish for is that families go
home and tell their children the truth about what
they're doing, whether it's oil, pipeline, and see
how they feel about their family fighting for a
pipeline or their family fighting for water.

And that's all I have to say. Thank you.

(Applause)

MS. RICKI LEADER CHARGE:  (Native language)

Hello. My name is Morning Star Moons. And I
greet you all with a good heart and energy. My
white name is Ricki Leader Charge. I come here
today to talk to you all about the man camps. There
is women from our tribe being taken. And along with
that black snake that's going to come through, which
I hope won't, will bring the man camps.

My mom's friend, her daughter has been gone
since August. Even if they find her, that trauma
will never be erased. She would be so abused.

And it's very emotional for me to talk about
this because this is my life. I'm 17 years old, and
I have a wonderful daughter, and that is not the
life I want for her.

This is what we have now (indicating a glass of
water). You can all drink this, right? This is the
water we drink; am I correct? Okay. So if that
pipeline comes through and it just so happens to
bust, this is what will happen (indicating a glass
of oil). Can we drink that? Can your grandkids
drink that is my question. It's very hard for me.
This is what our life will be.

Yes, we have all heard this time and time
again, but they say children are sacred. Once we
grow up, once all of this happens, our life will not
exist. And one of you said that we are the future
leaders. How can we be? How can life exist at all? It breaks my heart, it really does. And I hope at least one of us can change your mind.

Hearing everyone speak today made me cry. Children are crying, getting hurt, getting shot at. Why? We shouldn't even be having to go through all of this. Would you want your grandson or granddaughter being shot at, being abused? They're hurting people so bad up there. Some are having to wear colostomy bags, little boys. That is hard. There's women missing and there's nothing being done. So please just hear us out. I beg all of you just to understand where we're coming from, see our point of view.

And I know it's your guys' job. I understand that. But it's life. Is money more than life to you? Please answer my question.

(No response)

MS. RICKI LEADER CHARGE: Exactly. All existence will be gone. We'll cease to exist if water is gone.

My 4-month-old daughter, I don't want her to live like this. That's not the life I want for her. She needs to grow up in clean water, education. And that all cannot happen if DAPL goes through.
I pray every day that one day I will wake up and someone will say, Well, DAPL is not going to go through. I look at my daughter, and she's my hope to fight. I may only be 17 years old, but I know -- I know what this can do.

I have a grandmother. I have a family just like you, just like everybody else in this room. And today it is an honor to speak in front of you to at least try to get my point across. I'm not fighting just for my family, I'm fighting for all of you.

Numbers, cages, dogs biting pregnant women, you know, grandmas getting hurt, I have so many family that's been up there time and time again, the pictures I see, the videos I see when they come back and they tell me, it breaks my heart. That's not -- we're all family, mitakuye oyasin, all of my relations. We don't fight each other. That is not our way.

So today I hope that you will hear us. Because this is the reason why we fight and we continue to try and try. I hope that one day we can make a difference.

Pilamaya.

(Appause)
MS. KESHENA ONE STAR: My name is Keshena One Star. I'm 18 years old, and I am a senior at St. Francis Indian School on the Rosebud Reservation. I came here just like everyone else, to fight for our water. I also, you know, have hope that this pipeline won't go through because I have a sister that lives by the Missouri water and they, she and her son, they all depend on that water. And, um, I kind of like -- I feel like I want to cry, too, because I see, you know, everyone, you know, fighting, standing up fighting for our water, and then I see on social media, since -- I see on social media that, you know, a lot of people who don't really care for the pipeline. They don't -- you know, they say, "Oh, you know, these Indians, they're going to be wiped out anyway and, you know, it's not going to matter in a couple years." But it is going to matter because we are destroying the earth.

And, you know, I feel bad for all the future generations that are going to have to clean up our messes and are going to have to live with the fact that we destroyed our water; we destroyed the Missouri River and that we destroyed the land.

And, you know, my mother went up to the
Standing Rock Camp and she was so happy to be up there because she was supporting all of these other tribes. She was supporting all these other families, all of these other fighters that wanted to help, help mothers.

And, um, it breaks my heart that, you know, these organizations are coming through and they're, you know, urinating on all of our stuff and then dumping it on the ground in dump trucks. I've seen that happen.

I've also seen videos of planes and helicopters flying over and crop dusters are dropping chemicals onto the camp. And to see such people with no humanity makes me scared to even have children because I don't want them, I don't want my children, my future children to clean up our messes.

You know, I'd like to apologize to all the children out there who are listening to this, who are watching this. I'd like to apologize to all the people who have fought so hard. And, you know, maybe we might lose; maybe we might win, which would be a good thing, but I'd like to apologize that we are destroying Mother Earth.

And I may not know much about, you know, speaking publicly because, you know, I'm only 18
and, you know, this is my first time speaking in front of a crowd, and I just want to say that I'm sorry.

Also, I want to say that I also do have a lot of hope, you know, for our tribes that are fighting, because I know -- I have friends that are from all over the world, from Germany, from Australia to Japan, and they're all supporting us. They're supporting our cause for clean water, and, um, they're contributing a lot of art. Because, you know, I'm an artist, and, you know, I'm contributing a lot of art. I have some pieces that are, I'm entering in the L&I art show this year. And one of my pieces is a drawing, and there's a lady with a traditional (Native language) on, traditional dress, and she has a fan, and there's what we call a black snake, which is the pipeline, and it's wrapped around her. Because that's how I see this, it's going to wrap around our tribe and suffocate us. This pipeline is going to destroy, you know, our innocence. It's going to destroy our land, our water.

And I just want to say that, you know, I hope you all think about what you're doing, some of those who support the pipeline. I want you to think about
the children, about the elders that are not going to have clean water. On Pine Ridge they don't have clean water either.

And, you know, I come from the Rosebud Reservation, and we're moderately poor but we still live life. And I have a best friend whose house has run out of water, and she has to go to this, the public, um, pump, water pump in another town, which is like 2 miles away, 3 miles away, and she has to get clean water for her and her baby. And, you know, it hurts me because I don't want her to live like that. I don't want, you know, anyone to live like that. But yeah, I don't want, you know -- I don't want my future generation, the future generation, my generation, I don't want any other people to live with, you know, they have to purify their water because there's such contamination.

And I mostly speak to you because from what I understand is that some of you, you know, some of you kind of do support the pipeline; is that right? No? Oh, okay. I'm sorry, I'm nervous. But for anyone who's for the pipeline, for anyone who's, you know, not in favor of us Natives, I hope you, you know, look back at thousands of years and think of our tribes and think of all the treaties that have
been broken, and I want you to, you know, reflect on what's good and what's bad.

So please, just listen to our voices, because we've come a long way. We've come like two hours away from another reservation to be here today to speak up for our school and for our tribe.

Thank you.

(Applause)

MS. IONE QUIGLEY: I'd like to leave you with one last thing, and that is that there was a Greek philosopher by the name of Thales, and this philosopher said, If we are to be at peace, then our water needs to be at peace. Each and every one of us in this room, we're made of 75 percent water. So think about it, if that 75 percent of us was oil, what would that be like? But think about it, that was Thales, a Greek philosopher.

Now Jeffrey would like to say one more statement.

MR. JEFFREE CASTAWAY: When we arrived here, I seen a lot of people look at us and raise an eyebrow and look at us with such arrogance and think we don't know anything. And I already spoke. I hope that you can see that we know more than we look like we know. I mean the way I dress, I understand why
people look at us as (unintelligible), a torn sweater, a jean dress. It's understandable that people would look at me and think I'm just a little kid with the way I dress. It's understandable to be that judgmental. But now that you've heard what we have to say, I hope you can understand that not just because of how young we are or how we dress, that you understand that we know more than what we look like.

Because this whole thing at Standing Rock is for peace, for no oil in the water. I mean, they're shooting someone with rubber bullets. And the difference between Standing Rock and (unintelligible) is peace is free. You don't have to pay to have peace. It doesn't take a life or thousands of dollars to throw down a gun and say no or to open up a cage and say, We're sorry. Peace is free, and it is a lot easier than it looks to have peace.

That's all I have to say.

(Applause)

MS. IONE QUIGLE: Wopila for your attention.

Thank you.

MR. TRACY TOLUO: I want to thank you guys for speaking today.
And actually, Jeffree, I think I have that T-shirt myself.

(Laughter)

MR. TRACY TOULOU: But seriously, hopefully with what you guys have said, what everybody said today, we won't be in this position again at any time in the near future.

But I appreciate your bravery in getting up and the passion you have at your age. And there are going to be a lot of other battles. Hopefully it's not this one. But it's good to know that there are young people like you who will get up and say what needs to be said. So thank you.

So the next person up is Kip Spotted Eagle. And I'm going to go down two more rows, so people know, James Cross from OST if he's around, and Bryce In The Woods from CRST.

MR. KIP SPOTTED EAGLE: (Native language).

Thank you for coming. And I'm just up here right now to go over some, for a matter of record some talking points that we've gone over and -- or to speak them up here for the record. I apologize to speaking in front of the elders. I'm actually the Tribal Historic Preservation Officer for the Yankton Sioux Tribe.
This has been quite the event for our nation to be involved in something. And for myself, it's been very emotional because prior to being the THPO, I was a Native American studies teacher. And it's hard to separate what's going on and stay in favor of what's happening with the government and the tribal relationship. That's a big task to show that there's something positive happening.

A lot of the perceptions of the kids that I talk about in my classes wanted to go to the extreme as far as how badly we're being treated, and as a teacher at the time it was very challenging to encourage them that it was going to get better. And for myself, I hope it gets better.

There's some key problems with the existing framework. Failure to define when consultation should begin, consultation does not begin early enough in the federal decision-making process because consultation policies do not adequately define when consultation should begin. Phrases like "as early as possible" are too vague. Policies must identify what constitutions -- or consultation must start with specificity. By the time an agency engages with tribes, it's too late for consultation to be meaningful. The agency has already determined
the decision it will reach and consultation is merely conducted as a matter of course.

Agencies view consultation as merely a box that they need to check off before the action that they are going to take is formally approved. This defeats the purpose of consultation and violates the federal trust responsibility. The tribes have unique knowledge which is necessary to inform federal decisions that impact tribal interests.

Government-to-government consultations cannot be a rote exercise. It must be substantive and meaningful out of respect for the tribal sovereign. So for myself and the process with Section 106 and what I'm seeing, I'm a young THPO. I got to watch a lot of my heroes speak today. And it's daunting considering what has happened and what has led up to this point, but there's something that's happening that has become adversarial between anthropologists and archeologists and tribal historic preservation officers and cultural specialists. And the stage is being set by the Fed. And the reason that's happening is of course we can say that a THPO has the same impact and weight as anthropologists or archeologists, but the state won't accept that. The state is the one that's going to be a part of the
permitting process.

Now, I know that there's a lot that needs to be done. And somebody had told me you have 60 days to do it before another administration comes in. But hopefully we can change some of these things. Because a tribal cultural specialist, there's -- some of the people that I've talked to, people in the room and I know people that don't have high school diplomas but they can walk up and they can find a cultural property site every time and they have the ability to do that.

More often than not what happens is you'll have an archeologist go onto a property and they'll find these key features in their mind, but what they do is they discount all the associated features around that main site. That site wouldn't be what it was without those other features. And that's tribal knowledge.

There has to be the same weight given to our THPOs and our surveyors. And you guys have a lot of work to do working with the anthropologists and archeologists of the world, because they don't want that. That's a hard thing to acknowledge that someone doesn't want your oral history about your site because you don't know what it is because
history didn't start until Columbus got here. So everything that we did was prehistoric. Even the language, that that's said is racist. We don't even get history. We're pre history. History didn't start until you got here. So even in the way that the language is put out, we have to change those things.

The other thing is you're the leadership. You can start talking to these states and start telling them, Hey, I know that you don't like it. I know that your anthropologists in your states don't like it, but you're going to have to start looking at them on equal footing.

I think that I have probably one of the hardest situations I ever dealt with, and the next one is what's going on in Standing Rock, but when White Swan, the graves came up, that was a situation where we dealt with the Corps of Engineers. And I got to experience something where I walked up on the Missouri River on the bottom, and I got to see my relatives. And their skulls were looking to the sky. And we had to fight the Corps to prove that those were our property. We won that. But that mentality doesn't work. That's a breakdown. There's a human law there. You know, there's a
natural law. Those are my dead. We have to take care of those.

I urge you -- and, like I said, I'm young like compared to a lot of the people. I mean, I talked to a lot of my heroes today in the tribal historic preservation world. And they know better than me what needs to change. And we need your agencies to reach out to us because it's going to take both of us working together in order to change things.

MR. TRACY TOULOU: Thank you very much.

(Applause)

MR. TRACY TOULOU: Is James Cross here?

MR. JAMES CROSS: I didn't expect to talk today, kind of filling in for our president, John Steele. But I'll introduce myself. My name is James Cross, and I'm the chairman for the Economic Business Development Committee for the Oglala Sioux Tribe. The committee is the oversight of the Mni Wiconi pipeline that served Oglala Sioux Tribe, (unintelligible) Jones and Rosebud. And so with this it brings great concern for our tribal members on the Pine Ridge Indian Reservation with the Dakota Access Pipeline and the progress.

But one of the person's name that I haven't heard here is, and I've sat here all morning, was
Donald Trump. He is an investor in this. He has a share in this. And he also -- in his campaign I heard he is going to bring up -- he is going to put the Keystone back so that it continues. So this is another fight that's coming for Indian country for Lakota people, another violation of our treaty rights.

Last night I turned on public television, and the CEO for Energy Transfer Partners was being interviewed, and he made a comment that this Dakota Access Pipeline is going to move regardless, regardless of a consultation, regardless of anything it's going to happen. So I know it's sitting with the Army Corps of Engineers, but it is going to happen according to him. But he was optimistic in his tone of voice that this pipeline is moving. So I listened to that and I recorded it. So I just wanted to share that.

And I want to thank all the leaders that came up here, our tribal leaders, our natural leaders.

And I want to thank each and every one of you, too, for listening to us.

My grandma said, when I was little she said, "Takoja, if you don't listen, I'm gonna put a stick in your ear and break it so it doesn't go in and it
doesn't go out." So in a way I just kind of wanted to say that so that when I'm done talking and I'm going to be leaving here, you take the stick out, you know. That's what seems to happen in the past years.

I was given some practical recommendations for better consultation. Treaty rights and trust responsibility: The treaty rights, the Oglala Sioux Tribe is part of the Oceti Sakowin (Seven Council Fires or Great Sioux Nation) and has rights under the 1851 Treaty of Fort Laramie and the 1868 Sioux Nation Treaty. The United States made many commitments to us under these treaties and they must be upheld.

The Mni Wiconi Act expressly provides that the United States has a trust responsibility to ensure good drinking water from the Missouri River to the Oglala Sioux Tribe.

The Federal Government also has a trust responsibility to us. This responsibility runs across all agencies. Federal agencies need to coordinate with each other to fulfill this responsibility.

There exists a unique federal responsibility to Indians. Through treaties, statutes and historical
relations with Indian tribes, the United States has undertaken a unique trust responsibility to protect and support Indian tribes and Indians. The fiduciary responsibilities of the United States to Indians also are founded in part on specific commitments made through written treaties and agreements securing peace, in exchange for which Indians have surrendered claims to vast tracts of land, which provided legal consideration for permanent, ongoing performance of federal trust duties; and the foregoing historic federal-tribal relations and understandings have benefited the people of the United States as a whole for centuries and have established enduring and enforceable federal obligations to which the national honor has been committed.

Impacts to our treaty rights and the federal trust responsibility to us must be considered when the Federal Government approves infrastructure projects. If the Federal Government is taking action that impacts our lands, resources or rights, then it needs to obtain our informed consent. Without meaningful consultation and tribal informed consent, federal infrastructure projects jeopardize our lands and resources, threatens our cultural
survival and infringes on our sovereignty.

Purely procedural consultation requirements with little oversight or check-the-box consultations have been wholly insufficient in protecting our rights and our interests. This has led us to the situation like the standoff over the Dakota Access Pipeline. DAPL currently poses a threat to our treaty-protected reserved water rights and the Mni Wiconi Project, which is held in trust by the United States and which provides drinking water to our tribe, as well as our tribal and non-tribal neighbors.

Obtaining our consent whenever the Federal Government makes infrastructure decisions affecting our lands, resources or rights is grounded in our treaties and the trust responsibility. It is also consistent with international law and best practices for facilitating infrastructure development.

Federal agencies must be mindful of their consultation obligations. There should be no confusion between government-to-government consultation under Executive Order 13175 and consultation under 106 of the NHPA. The Federal Government needs to send decision makers to the consultation sessions.
Federal notices for consultations should include detailed information about the project or initiative so tribes have all the necessary information to meaningfully consult. Tribes should not have to spend its own resources on experts and attorneys trying to determine exactly what the consultation is about. Notices should include potential effects to the tribe. Federal agencies should also consider the costs.

Federal notices do not always reach the correct person at the tribe. There must be a mechanism for ensuring the notice was received by the tribe. The federal agency should not be able to simply send a letter and check the box that consultation was attempted.

Each agency has its own consultation processes. Tribes need to conform to these several different processes and sometimes we have to for the same project when multiple agencies are involved. Consultation requirements should be consistent so tribes are not burdened with learning and conforming to multiple different processes.

Consultation sessions are often located in places tribes need to travel to. This costs tribes money. Funding is needed.
We have frequent contact with the Bureau of Reclamation and engage in constructive dialogue to reach agreement on issues. Further, when necessary to move a piece of project forward, the tribe calls consultation sessions with the relevant federal agencies. In these meetings we openly identify issues and discuss action steps to address them. Federal agencies need to participate and fully engage in tribally-generated consultation sessions to make such sessions productive. Federal agency staff needs to be accessible and proactive in building relationship with tribal leaders and staff and in keeping them informed of issues, upcoming projects and initiatives. There should be ongoing dialogues.

We urge the Administration to take swift action during its remaining days to ensure that tribal rights are protected when the Federal Government engages in infrastructure decision making.

E.O. 13175 needs to be updated to require tribal informed consent for infrastructure development projects that have the potential to significantly impact tribal lands, resources or rights. The responsibility to ensure that tribal rights are not violated lies with the Federal
Government. In each relevant agency, a position should be created to preliminarily assess a project's impacts to tribes, ensure notices are received by the correct tribal officials, proactively engage in consultation and ensure informed consent is obtained.

The Secretary of Interior should have to verify that projects with tribal implications that are authorized by agencies outside of the Department of the Interior are being implemented in a manner consistent with the United States' treaty and trust obligations. When Interior permits or oversees a project, the Council on Environmental Quality should verify treaty and trust compliance.

New legislation such as H.R. 5379 is needed to authorize judicial review of compliance with tribal consultation and consent requirements.

You know, there are two issues. You know, one is a federal one, and the other one is a state. You know, the tribes deal with is Obama -- Obama stopped the Keystone, but when it came back to the state, it fell on the Public Utilities Commission, and that's where it stands today. And so with this new President coming in, we all know that he going to sign up for that project to proceed.
So these are the things that the tribes face. And we're always going to probably, you know, face issues like this. I always say if it's not one thing it's another. And it'll probably always be that way for us.

So I want to thank you for listening to me. And hopefully everything that was said here, we take it into consideration.

Thank you.

(Applause)

MR. TRACY TOULOU: Thank you.

So just to move it along --

Thank you very much.

-- Bruce (sic) In The Woods. And then after Bruce (sic) would be Greg Cournoyer.

MR. BRYCE IN THE WOODS: Yeah, that's Bryce, Bryce In The Woods --

MR. TRACY TOULOU: Sorry, Bryce.

MR. BRYCE IN THE WOODS: -- for the record.

(Native language)

I'm here as an elected official, again elected. And we always remember our Creator first because you're on his territory that we come from, that my ancestors are from clear back before Jesus, clear before it was the United States, clear before
the Constitution. And the Constitution is based off of the (unintelligible) confederacy, which was finally recognized through resolution.

The apology coming from the United States is just an apology. There's nothing behind it. Yet we have to recognize our Creator. And that's a mandate on us because we're talking about consultation. And when I first got elected in 2000, George Bush got into office. I believe Gore had the majority vote and the Supreme Court ruled that he was president. That should have told the U.S. citizens something.

And then again in 2008 I was elected again into this position. And President Obama came in, got a Nobel Peace Prize and became the most drone striking president, killing indiscriminately women, children, old people. We know that last year, very clear.

I served in the U.S. Army. And I served in the National Guard, too. Because we love our country. When we say "our country," it belongs to us. You guys are here, welcomed here, but this belongs to us. You gotta understand that.

And now I'm coming into an elected position again, representing my district, representing all of Cheyenne River, probably representing all three hundred plus million Americans now with what we're
talking about. And we're going to see because President Trump is coming into office. And when you have oilmen running the country, I believe it's like nine hundred plus lives (unintelligible) that these oilmen told the American people, two wars, trillions of dollars missing. Some of my nephews and relatives that served, they're still suffering from that, unless they know what we have to do to heal from that.

And then consultation, we were in consultation in the forest service, Bureau of Land Management, the U.S. Corps of Engineers, the Nuclear Regulatory Commission, the FFA, the FCC. Our EPA is the only one that seems to keep (unintelligible) strong. They come up environmental protection, but it seems like when a new administration comes in they even get fired when they start defending the people and their sources of life. Good Americans, good people.

Article I in the treaty says, '68 treaty says, it has the Bad Man Clause in there. So if you lie to somebody, shouldn't that make you a bad man when you're a liar? And you not only lie to tribal governments but you lie to the entire American public. Now we're being lied to.

And I see good federal employees, good
soldiers. And usually when those good soldiers --
I'll give you an example right here. We had a
consultation with the Corps. And I was hunting the
Corps for two water permits. I was trying to get a
response from Sioux Falls. He didn't show up. He
sent a woman that was pregnant in uniform. I waited
until the last minute to bring it up. I said,
"Where is those permits going?" No answer.

So came back over here in 2008, '9, and there's
a general and a colonel, a good colonel. Probably
wanted to (unintelligible), a good man. I got up
there and I talked about trying to hunt these water
permits down, "How come the Corps is not giving us
no answers under consultation for it?"

And now it's back there again, and the fight is
heavier now. And it means every one of us. Like
they say, you know, (unintelligible) and everybody.
Because we're at that time now in history. We're at
that time now. And there is time limits. Don't get
me wrong. I'm not sitting here talking as Bryce In
The Woods. I'm sitting here talking as the
representative of my people. And usually I like to
find out facts. And when you have a hard time
finding out where two water permits are going, now I
know where they're going with what we're dealing
with now.

So there's a document here you have, first time I got to see it and Rapid City is the last consultation. But some of the questions you ask, and I want to kind of give you a consultation model. I think that's what you're looking for. And we can't have the truth hidden from us or, you know, not told to us.

And I'm going to go back to the colonel, a good man, they sent him to Asia; they sent him to Afghanistan. The General heard him talking to me and he said, "You know what you were saying up there was the truth." And, you know, I was up there in that Bakken area and what they're doing in some of those holding ponds and he said, "You know what? I got physically sick just being around that area." So right now, was a community health representative for six communities.

And what we're talking about here is a health issue, so the HHS should be here because it's a major health issue what's going on with the land, the air and the water. You can't separate them. Let's follow the law, the natural law, God-given law that we have the freedom to enjoy. And now we have to defend it. The chemicals they're spraying over
us constantly and how it's affecting that with the respiratory problems we're having now and the barium that's in the water now that we're drinking, cold, flu, pneumonia symptoms, we're facing that right now. That's the water we're drinking.

Now we're putting our intake into the Missouri River because of the asbestos water lines and all of the heavy metals coming down when it floods. You know, they're probably buried in sand. The Corps has to open up the dam when that happens. And the six times that they have, they tried to play a balancing act.

Which if we had a catastrophic natural event -- which Keystone XL couldn't answer. They had two attorneys with them, of course, and the state department had their attorney with them, and there was only about three or four elected officials and our THPOs that were talking. I brought up these disasters that we're going to face. I brought up the earthquake. And we did have a few tremors here in South Dakota. Oklahoma is leading California now. I lived in California. I know what earthquakes are. You get used to them after awhile. But Oklahoma has more earthquakes than California.

So Keystone XL couldn't answer the question.
"Oh, we got it covered. We don't have one leak yet." And then Keystone 1 started leaking, manmade errors. Mr. Warren (unintelligible) just (unintelligible) through. I was up there when he reclaimed 51 treaty territories. Like I said, we own the land, the water. We're supposed to be the caretakers, land defenders, water protectors. That's what the system made us to be.

And there's a lot of good people, but there's a lot of bad people, too. And I would rate some of these people that are pushing these issues (unintelligible) are bad people, (unintelligible).

All federal agencies are supposed to have a public hearing, public information sharing with all of Rapid City right now. They do it through the Federal Register, but nobody reads it. Nobody knows. It's an unknown consultation. Just like this, how many knew? If I didn't get elected back on, I wouldn't be standing here. And I thank the Creator for having me stand here because I'm really concerned.

So we have this consultation model. It involves physical and it involves mental and spiritual and timetables. But on top of that it also involves truth, justice, wisdom and timelines.
It's kind of made up in directions. Because we come from all directions and the elements of policy which start from that.

For example, (unintelligible) right now. And the (unintelligible) are contributing, and so is all of that methane that (unintelligible). And the pipeline that they're rushing through, that should have NASA here at the table, too. NASA needs to be at the table.

Ever since Area 51 and all of these technologies that have came, and a lot of it has benefited mankind, but every time NASA, scientists or somebody or EPA talk for the betterment or for protection or to do something better or "Don't do that because you're going to destroy the water," the door shuts on them; they shut up, be quiet, gag order. Sent you to the front lines.

On the spiritual part of it, the Hopi prophecy came true when the Deepwater Horizon exploded and created the head of this black snake. And we still don't know what that has done. We know how it's affected tribes down there and their food supply and their subsistence, the economy. Everything that oil did down there, nobody wants to talk about it. Let's talk about it right at consultation at the
table with NASA and the EPA taking the lead.

Solution to manmade disasters, let's talk about that as part of the policy that we're going to develop complication. What are the solutions?

I was talking to the Nuclear Regulatory Commission, and we went out to about 90 miles south of Pumpkin Butte. Pumpkin Butte is a stronghold. And when you look straight from Pumpkin Butte west, you see the summits of the Big Horn Mountains, icecaps, very important, icecaps. It's 175 miles (unintelligible). That's where we start from. And what they've done to that area with the issuance of permits from BLM and NRC is there was a spill over the next butte over, uranium. And the production bleed is how the companies, the corporations manage -- if they're spilling into the aquifer and they're drilling into the watershed and then you're disturbing the whole ecosystem, well we will check our -- it's bleeding out, we'll suck it back up, and that's how they'll tell if the uranium is escaping. Well, what if that fails? We'll have to reverse osmosis the aquifer, which means that we're bankrupt. Key word now, "bankrupt". So the Hopi prophecy is true, has been true for several years.

Now the Lakota prophecy is the body of the
snake. You have the head of the snake in the
impact zone, and now you're talking about the body
of the snake, prophecy, our spiritual soul-searching
issue.

And I know when I was in the (unintelligible)
with the 9th Infantry, there was a major that was
coming on the local news channel there up in
Seattle. And we were sitting in the barracks, and
we were waiting for a football game, and this
military intelligence major came on. He was daring
the 9th Infantry to kick him out of the military.
He had a black garb on, and he looked like a
warlock. But what he said was he was the high
priest of satan and that there was three hundred
plus churches of satan here in America and two
hundred plus churches of Jesus Christ here in
America. So we know there's some bad people here
that don't care about mankind, don't care about life
forms, don't care about water, don't care about
nothin'. That's a fact. But it's a spiritual
issue.

So part of this that, on the back page here you
have some of the legal framework, you need to add
the American Indian Freedom Religious Act. You need
to have the U.S. Constitution that was mentioned
earlier and the treaty as part of your consultation.

But it does now go to the (Native language),
the nuclear waste into the water. Now if we can
develop policy that would ensure that we can -- this
is all secretaries, along with all the tribes,
develop a policy, would have to really develop a
natural -- an international emergency operation plan
to address the disasters that are forthcoming;
they're coming, so Keystone XL couldn't explain or
couldn't even tell us with their attorneys what it
would do if an earthquake struck. And they still
haven't answered that question.

And like I mentioned before, there's been some
tremors here in South Dakota, unheard of. So we do
need NASA involved in (unintelligible) technology.
We need an emergency operation plan, and we need a
health plan from all the secretaries. And hopefully
President Trump will support that because we need to
convince him that this is a health issue and this is
planning for emergencies. Where right now there's
no plans for emergencies. If we have another
nuclear -- let's say an earthquake hitting a nuclear
facility reactor, we have that spill, and there's no
emergency personnel that can get there. Just like
up here, all of these pipelines that are in the
ground, they rupture or leak and nobody can get there, it's not a guarantee (unintelligible), out a billion dollars. Like what I said, this corporation said that if they had to reverse osmosis aquifers in Wyoming, (unintelligible), it would bankrupt them.

So then I found out that they throw this on the backs of the taxpayers and they put the burden on the federal agencies to back up those corporations that have railroaded the U.S. Constitution and controlled the monetary, the politics in D.C. and the military. That's a fact. It's out there now. There's no -- so we need this public hearing policy to educate every U.S. citizen so they know these things are real and coming. That's a fact, too.

So these two water permits that I was hunting for, I guess that's where I start now. And I think that the CFOs or the solicitors need to be involved with the federal agencies so they can develop some real solutions for all Americans here, not just tribal governments, state governments.

We're finding out now that a lot of conflicts of interests. The two concerns I have is the conflict of interests and the bar attorneys and judges. Can anybody tell me what bar stands for? Anybody? Anybody an attorney in here? What does
bar stand for? Look it up. It's the British Accredited Registry, British Accredited Registry, "bar". So the real imports of Britain are running us over here. So it's an international issue. And we really need to put this spiritual wisdom on the table as part of our consultation because of these bad men that are out there that are doing this to mankind and to the planet. (Unintelligible).

I got some figures here, and you guys need to really get this. You know, Exxon Mobile spent decades lining up global --

MR. TRACY TOULOU: Bryce, I'd be happy to look at the numbers.

MR. BRYCE IN THE WOODS: Okay, this is a --

MR. TRACY TOULOU: We need to wrap up because --

MR. BRYCE IN THE WOODS: This is -- this is the high risk financing behind the Dakota Access Pipeline, that's what it's called. And I'm sorry that I'm bringing up extinction level discussion here, but that's what I'm bringing up, extinction level events happening. You're not prepared and we're not prepared; the Federal Government is not prepared; South Dakota is not prepared. Nobody is prepared.
So solutions: Let's get NASA to help out on some of the technologies that are not there and then the Federal Advisory Committee and the PA that was talking (unintelligible).

Corps, do not grant the section (unintelligible) permission until you order a full environmental impact statement. And the loopholes that are with the Nationwide Permit 12 that DAPL was using, we need to close those loopholes and we need to consult with the real landowners that are treaty descendents.

I will leave you with one comment. The pipeline business will overbuild until the end of time. I mean that. That's what competitive projects do. You know who said that? Kelcy Warren. End of times, he said it. Remember that now.

Thank you very much. Pilamaya.

MR. TRACY TOULOU: Thank you.

(Appause)

MR. TRACY TOULOU: So coming up is Greg, whose name I butchered from Yankton. And then after Greg -- is Richard White still around? After Greg is Richard. After then after that is Jason Cooke, if he's still around. We've only got about a half an hour, guys. So I'm sorry. Thanks.
MR. GREG COURNOYER: (Native language)

My Indian name is (unintelligible). I come from the Yankton Sioux Reservation down in the southeastern part of the state. I'll read black and white here some bullet points that I want to cover. And then I'll talk real talk for a few minutes. And I don't want to take forever, five, maybe ten minutes.

MR. TRACY TOULOU: Great.

MR. GREG COURNOYER: Failure to comply with consultation policies and lack of accountability: Federal agencies have (unintelligible) violated their own consultation policies. And while it is good to have consultation policies, those policies are meaningless if they're not enforced.

There's currently no accountability for agency violations of consultation policies. Most agency policies expressly state that they're not judicially enforceable and that they do not provide consequences for the agencies if they violate the policies.

Tribes must be able to enforce their consultation rights without having to resort to litigation. Consultation policies must, at a minimum, include financial repercussions for an
agency's failure to comply with consultation requirements and prohibit an agency from proceeding with an action when consultation policies have been violated.

The ACHP needs to have increased authority. It is often the only seemingly neutral party when there's a dispute regarding consultation. The ACHP must be able to not only make recommendations but also enforce its decisions.

Failure to identify when a project will or may impact tribal sovereign interest: Agencies frequently fail to recognize when their action will or may impact tribal interests. For example, with respect to Dakota Access Pipeline, the St. Louis District of the Army Corps of Engineers failed to consult with the Yankton Sioux Tribe entirely. No attempt was made at all. Presumably this is because the corps was unaware of the tribe's extensive history in Iowa. As a result, the tribe's unique knowledge of its culture and history in this region, including burials, was not taken into account by the corps.

I've been up at the camp for two months out of the past three and a half months. I've been out of the Marine Corps for 17 years, and it looks like
PTSD when I go up there. I read about terrorism
awareness when I was in the Marine Corps. I see it
up there, war tactics. I don't like it. There's a
young marine in me that wants to break out in a
rage, but there's an older sun dancer in me that
tells me to follow my heart and pray. So that's why
I went up there.

According to our constitution I have to serve
our people, and I did that for our camp up in
Standing Rock. And I came home after a month and a
half. I've been up there. This is my fourth time
back up there. We just got back the other night.
And I don't like the things that I see up there. I
don't like to see our people getting hurt because
they want to pray. We're people of prayer,
tradition and culture. And I commend all of them
warriors and women warriors up there that are
standing.

I have two grandsons. And yes, I am standing
up for our children and their children. This
pipeline, we want it stopped. And I know there's a
lot of people that are pro DAPL and they're for
this, but we were the first inhabitters of this
earth, the first nation people here, and to
constantly be treated like a third world party in
this country is a downright shame to me.

I fought for the government. I wasn't in
during war time, but I fought for a government that
underappreciated me, I guess. I got out with an
honorable discharge and I'm happy. I took that
four-year oath to defend the Constitutions of the
United States, foreign and domestic, but now I stand
up for my people because I took an oath to do the
same thing for our people. And if I wasn't standing
here right now, I wouldn't be doing my job. I just
want you guys to know that.

I got two daughters, and they mean the world to
me. I have two grandsons. They mean the world to
me. When you go home tonight, remember your
families because you're going to be looked at by
your kids and your grandkids and they may ask you
one day, you know, Why did you guys do that?

And it seems like a lot of this media has been
covered up by these stingrays that they've been
using, like I said, these military tactics. It's
never fair. It's never been fair. But I think we
all know that life, in life, you know, it's never
going to be fair, maybe at times.

But there's a lot of things that I've seen,
good things and bad things come on both sides.
There's a camp up there. They're highly funded. They're very unappreciative, and they are your agitators. They do not have permission from the Oceti Sakowin Council. Our (Native language) and (Native language), we meet at the council lodge. We bring those messages back to our camps. Remember that, we're a peace and prayer camp and that we are unarmed.

But there's -- I'll put it this way, I seen him here earlier, Mr. Taken Alive, he said it best in that council lodge. He said, "How dare this camp or this camp," I won't say their names, "how dare they take direct action? They don't have permission by this council and this lodge. They're jeopardizing our prayer." And that's right. And I brought that back to our camp. And, "By a show of hands, oh, we need warriors up to the front lines," and I call our guys and, "By a show of hands who wants to go to the front lines?" Every single hand went up and I said, "That's what I thought." I said, "Well, you guys go. Be careful. But know that when you're up there, you do not have permission from the elderly and the Oceti Sakowin Council to be up there. And when you leave, you could possibly get hurt; you could possibly get killed."
And out of all due respect for Chairman Archambault, I took his words with my heart. I don't want anybody to die. You know, we're guests and we're called upon to go up and help pray, so that's what we did. But now, you know, what I see is like an act. It's like what if these weren't rubber bullets, you know? If they were real, look how many deaths there would be.

I don't like the fact that police officials are covering up -- they're putting "deputy" and "sheriff" on their license plate, covering their badges. Some of them are wearing masks, too. I mean, yeah, there's reports that talk about sticks and rocks. Come on now, you gonna really put that against bullets and bear mace, sandbag rounds?

It's not fair what's going on up there, but I'm going to tell you now, our people aren't going to leave up there. There was so many. Even a man that came into the council lodge, he said, "Watch. You listen. Go back down to your medicine men, and one day he's going to tell you to put these down," and he said, "our chanunpas, our prayer pipes, to fight for your people." I didn't even know him, but I'm related to that guy. And that's what's going on here.
Our spirit is very strong. We're very strong hearted people, ceremonial, traditional, and it hurts to see what's going on up there, getting pulled out of sweat lodge, getting hit, shooting medics.

One of my good friends is up there. He messages me all the time, "I'm ready, Brother. I'm ready to die today." Well, he's not the only one. There's a lot of them up there for this. There was even an elder grandmother. She said, "I've been waiting for this my whole life." And that's -- that's why we're standing up there in solidarity. And I do it through prayer.

You know, Chairman Archambault said, Well, this isn't Greasy Grass and this ain't Wounded Knee. But when I looked around me, I seen how easily we could, at any time, get wiped out. You know, I still think military mindingly, too, but I carry a chanunpa now. So, like I said, there's a young marine in me that wants to act out in rage, but there's an older sun dancer in me, too, that tells me to stay in prayer. And, you know, I wore not this uniform. I wore a Marine Corps uniform.

And I want to commend you guys. I know you're just doing your duties.
Colonel Henderson, I know you got a heavy job.

And you Federal Government officials, I'm just another common man. I'm a (Native language). I'm an elected official; I'm a councilman, but I don't like putting that word with a sun dancer in the same sentence because politics get ugly.

But I continue to pray with my pipe (Native language), and that's what helped save my life. I had to deal with PTSD. I wasn't in during war time, but I was in Iwakuni, Japan. North Korea sent two missiles over our base to show us that they had fire power and they were willing to use it. You know, I got out in 2000 and went home.

But I don't want to outwear, overdo my welcome. I want to thank you all for listening.

I see another chairman, another councilman back there from Standing Rock. I was very glad and honored to meet a lot of the elected leaders up there at the camp. Yeah, there may be bad things going on, but there's a lot of good things that are going on up there, too. In the Marine Corps we used to say the 10 percent, those are the ones that are acting up. And it is just like that. And it's kind of uncontrollable at times.

But I had a guy tell me, you know, something I
didn't want to hear. And I said, "That's fine, you know, but I'm delivering a message. So you go tell them elders that you can get mad at me, but all I'm doing is delivering a message. You're just hurting this prayer and this camp."

So I look at things that way now. It's what saved my life this chanunpa I picked up. And I'm a single father of two daughters. Usually it's a single mother, but I'm a single father. And this pipe saved my life. There's a lot of pipe carriers in that camp.

I want to thank you all for listening to my side.

I want to thank that youth council that came up earlier and all of you (Native language) and leaders up there for our people.

Thank you. Mitakuye oyasin.

MR. TRACY TOULOU: Thank you.

(Applause)

MR. RICHARD WHITE, JR.: Everybody, thank you for your time and everything.

I just want to apologize to my elders for speaking in front of them.

I'm a pretty young director right now. I work for the Oglala Sioux Tribe. I am the Director of
Natural Resources. And I come to you. I realize the short timeframe here. I'll speed it up as fast as I can. I did take a lot of notes. A lot of the information that was given today, you know, we want to stay focused on that government-to-government side of things. And so I brought a lot of information, but I know the pressed time and everything like that. That's one thing that we always came across with tribes is our limited time for us to speak, and I'll go through this as fast as I can without rambling on.

I've been in there. We talked about qualifications for, you know, your positions and what you have and everything. You know, we went through -- I went through a lot of college and everything, and it sparked my interests from, you know, water quality to contamination to diseases on our reservations.

As we went through, you know, I'm very much qualified for my position. I do have an extensive engineering, chemical, natural sciences and environmental science background.

One thing that we need to understand is that a lot of these are government-to-government relations that we need to speak about to be able to meet on a
mutual level with the tribes and with us, not only
for your policies but also for us to be able to
decipher your information and basically your
paperwork that comes to us, because a lot of it
tends to be really lengthy and worded for a very
high educational level to be able to understand
what's actually put into a lot of that paperwork.

One thing I wanted to say is we are the Great
Sioux Nation. It extends not only to the U.S. and
Canada but Mexico and our relatives to the north and
south. You know, that's why we say mitakuye oyasin,
because we're all related in that area.

And with our ancestors, you know, Columbus,
whenever we discovered him, you know, it was the
beginning of the breaking of our circle of life.
Our unity was what pretty much saved us and shows
our way of life to all that is sacred.

The four hours that we were allowed, you know,
you went over that and everything, so I'll try to
rush through a lot of this. But a lot of the
concerns that were outlined, you know, we did have a
lot of repetitiveness and redundancy throughout the
presentations, but that's one thing that we've
always stood for is what was burned in our minds
from the Federal Government side of things, so you
need to understand where we come from from a lot of our talks, it does come from the heart. But we also need to understand what's coming from the other side of things also.

So I came from Omaha last night. I was at the MRRIC, the Missouri River Reclamation and Implementation Committee. A lot of processes that went through with that committee were not consulted by with the tribes. I feel a lot of the operations that are going on with the river, the plans, the draft environmental impact statement, a lot of that stuff is very, very limited on the side of tribes. They do mention a lot of it in there, but it has a whole other focus that needs to be looked at.

The tribal cultural properties that everybody talks about, you know, that are really significant to us as a SHPO entity, the state historical preservation officers, they have a whole different idea of what is actually sacred and what we consider sacred. They have the criteria of five items, I believe it was, but us as Native Americans, everything is sacred to us. The water is one of our main life sources. We can't live without it. You guys can't live without it. We need that.

And not only that, but a lot of what goes on
with especially MRRIC is not considered, especially
with those water levels that go up and down, so the
focus of that MRRIC has come to a head that to me is
only focused on the river. It's not including these
pipelines, these influences from the tributaries
that come from our creeks, rivers, streams, things
like that. And you have to understand that a lot of
these, they're heavy metals; they're contaminations,
(unintelligible) that's used in fracking operations.
A lot of this uranium mining that's going on, these
are heavy metals; these are heavy materials. I'm
pretty sure you guys all know, but I want everybody
else to educate the public on that these elements
leach down or they go down. They filter down to the
bottom. So as these water levels drop, these are
exposed. Graves are exposed; towns are exposed,
things that were flooded out for this river
operation, not to mention the damming, the
hydropower, the thermal power that's going on. A
lot of this hasn't even been consulted with.

I realize the THPO offices are recently
developed and everything like that, but for an
aboriginal territory to be in that area, the Dakota
Access Pipeline, I don't see how the plans can
change from going north of Bismarck, the city can
put in their input but yet the tribes never even had
input for them to come through that property, and
that's treaty territory right there. It's just
south of Bismarck, and it's very much through a lot
of that area, not considering everything that goes
on down the river, too, with stakeholders, land
owners. That's why you see the support throughout
the United States, throughout the world, you see
people supporting, "No DAPL, no Dakota Access
Pipeline." And so I just came up to feed some
information and background on a lot of that.

You know, just a lot of operations that are
actually going on are kind of very limited on that
draft environmental impact statement. The time
frame that we're allowed to actually review that is
really short also. So I would request for that to
be extended for the tribes to be able to give that
to the lawyers and actually decipher a lot of that
information for, you know, a proper consultation.

You know, and for you guys, like us to have to
go to the government meetings, you know, as a
government to government, you know, I believe that
you guys should make some effort to come to us. We
always have to go to the government. We have to
spend our money. We have to spend our allocated
monies to come to you guys all the time. And I
realize you're just doing your jobs. I'm not trying
to be negative or anything like that. You guys need
to hear this, too. And it's coming from different
aspects, as you can see, from our elders to the
younger generations.

But I definitely wanted to speak on a lot of
that because the recommendations that come across,
especially with these operations with MRRIC which
will directly affect the river, the operations, you
know, with all of this stuff that's going on, the
damming and everything, I don't see why, if this
is -- if our treaty territories outline our
territories as the east bank of the Missouri River,
I don't see why we wasn't consulted with on a lot of
this or why the tribes aren't being brought into
this power that is produced and put into the grid in
this WAPA. And for me, why aren't the tribes having
free power? Why aren't we having, you know, better,
more consultation that, you know, will take into
consideration what the tribes want?

It's really difficult to get on the schedule
and especially for you guys to come out. Because I
really commend you for actually coming, and
especially the bad weather that's coming. But
that's South Dakota for you, one day it can snow, and the next day it's sunny and 90 degrees, so that's a perfect example.

A lot of the operations that are going, you know, I think for that consultation, you know, then we have the opportunity to bring up such thing as your Endangered Species Act, your NEPA. The 106 process in under NEPA; the NHPA, the National Historic Preservation Act; NAGPRA, Native American Graves Protection & Repatriation Act.

And these, like the water quality and everything is so far down on your list of priorities, it's just come to the realization that this is not a priority. To me these should be really at the top for all of us, not just the tribes. We really need a lot of this.

And for the, especially up here like, you know, the desecration of known identified sites that fall under the NHPA and by DAPL in these energy transfers, you know, that's very unacceptable for them to desecrate graves like that. Nobody would agree for anybody else to go through, per se, one of the national cemeteries. It'll be the same kind of situation. For us it is. These endangered species, the habitat destruction, the ignorance by the
recreation, the sand and gravel on the Missouri River, these draft environmental impact statements is upwards of 3,000 pages, and the tribes' portion is ten pages. That is less than 1 percent. And that -- you know, that just kind of shows and tells me that we kind of have a long ways to go to actually see us on an individual -- or a level playing for us to have a say-so in what needs to go on.

I really feel that, you know, these endangered species, the pallid sturgeon, the (unintelligible) Clover, all of these endangered species, they're all sacred. Like we keep saying, they're mitakuye oyasin. We're all related. We think of everything as sacred, the water, the plants, the rocks, everything. Everything we use in some way or another. But that's what the circle of life is, we all mend together. It all goes around. We all help each other. But we're going away from that. We need to step back and actually look at what the tribes want and take that into consideration.

Put us in the beginning stages of your environmental impact statements, no at the end. We're so far down in it we've got to the middle stages of where your consultation is. And, you
know, it's getting there, but it's small steps, I realize that.

But the amount of information that we received over the past few days, especially on MRRIC, is very much -- it's so much information at once.

And I'm kind of just zooming through my notes here because I realize the short time there. I'll try to stick to it as best as I can.

But we just won't be ignored anymore. We want to be, have a seat at the table. We want to see you guys on a level playing field. We want you to see us on a level playing field. We want to be able to consult with you guys regularly and to tell you what our rights are, what our thoughts are, you know, have some real, real input back and have an impact for a lot of things that need to go on.

We all need water. This watershed feeds millions of people, towns, Omaha. Omaha takes a lot of their water right there, a lot of our tribes. They -- there's so many straws in the river right now that it's increasing. And the reservoirs behind, the water behind the actual dams, what is that being used for? What is it being reserved for? Is it for the oil? Is it for fracking? Because I know that takes a lot of water. And for that to go
away, you know, basically everything is going to go away.

I have a lot of friends that can actually light their faucets on fire at their homes. That is too sad to see for me, and in my heart that really bothers me a lot. It does. I'll put it out there.

But, you know, in the end we just want proper tribal consultation. We want to be able to protect things. We think everything is sacred, so we want our water. We want our treaties. We want life. We want all species to survive.

And we want an excellent future for not only us that are here. We have a future ahead of us. I have kids. I want them to be able to drink water. I want them to be able to have their lands. And it almost chokes me up to be able to say a lot of this, but I just want you guys to understand where we come from because it's all from the heart. This is all just consultation. We want to be able to meet with you guys on a mutual level without having to practically italianize (sic), "Well, this is what you're doing wrong," when we could have been there; we could have told you that these were there; we could have told you guys things that went on.

So with that -- I'll end with that. I really
want to thank you guys for your time and coming out. And (Native language) and wopila.

It's very good to, you know, see all of our support and everything at Standing Rock. I'm behind them. I've been there three times. And, I'm sorry, but we won't stand down from a lot of that. We have a lot of people that are ready to take every initiative that we need to to protect our water, and you guys have the opportunity and the chance to save all of our futures.

Thank you.

(Applause)

MR. TRACY TOULOU: Thank you.

We're going to take a break now. We've got about a half a dozen more people. We have less than an hour in the room, but I'm feeling hopeful.

(Recess)

MR. TRACY TOULOU: Let's start with Phyllis Young.

MS. PHYLLIS YOUNG: (Native language).

I am a woman who stands by the water and a woman who loves the water. I come from the Oceti Sakowin Camp. And I bring you greetings of a unity in my homeland that I'm privileged to witness that I never thought I would ever envision in my life. I
wish that more of our people who are elders who
fought and struggled in the last 40 years could be
here.

I want to thank you for being here. You
represent the United States Government and the
treaty partner, and we will accept no less. So I'm
honored that I can speak here today. I waited, but
it's worth it.

I am a child of Oahe. And I know homelessness,
and I know hunger in my homeland. In the national
interest we have given. We have sacrificed
incredibly. And we used to talk to each other.

The children, I'm glad you had them here today
because we have to bring them along with us, like
our families and the women.

So many of my constituents, my relatives at
Standing Rock, we talked about suicide. "Would you
ever commit suicide? Hell, no. I want to live."
And there was a little girl when we all said we were
going, we were ready to die for this cause, and many
are, but this little girl behind us said, "I don't
want to die. I want to live." So I said, "Is that
what you want me to say?" So we're moving forward
with the fight for life, not only for our children,
for our grandchildren but for all of humanity.
So I come here having taken back my spirituality, having lived the struggle in 1970 answering the national call of (unintelligible) crow to create that sun dance as a spiritual sacred sun dance, which is on sacred lands.

I'm privileged to be a witness today that we continue that struggle. And I exercise my freedom of religion in a good way. Like the veteran before me said, we only have a collective memory of trauma. We have a collective memory of war. And that we have many peacekeepers in our camp who want to help us create a positive mindset of peace. And have you taken that back? What belongs to us in our language and what we interpret and what is in our collective memory of who we are, we are a peaceful people.

So I have transitioned from being the biggest malcontent on the Great Plains to a very serene person who has to fight for my children and my grandchildren. The only time that I lost it was when they shot one of our children and killed a horse, then I didn't care. My challenging spirit came out.

Our freedom is in our DNA, and so we're not from a box, a square box. We are from a circle. And I went to the front lines. I prayed for myself.
I had my prayer ties with me. But they took my car and impounded it. Had to pay probably 20 times more. And that -- and I didn't know how to pray for a car. I didn't know how to make a tobacco tie for it. So that's the extent.

And so today I just want to let you know that we have never -- the Oceti Sakowin is a cultural presence. We have never conceded, relinquished or given up anything that was natural to us.

The Oceti Sakowin is the seven council fires, and we represent a cultural presence that makes us the predecessor sovereign of America and that we are exerting our cultural presence, our ancestral law and natural law that predates any written law, including the Constitution of the United States and the treaties. But we are partners with the United States, (unintelligible) from the government to protect us.

And so I brought with me -- I'm going to do -- I'm going to be short and sweet, I told one of the coordinators, which was very hard for me to be sweet and, short and sweet in my life.

I'm a child of Oahe, and I have struggled all of my life. There were 197 homes inundated at Standing Rock. And I'm still waiting -- I said 40
years I asked for a mansion on a hill, but standards have changed in America, so I'll settle for a cabana or a houseboat, a one-room house on the shore.

So I want to say that -- I want to present for the record the Dakota Territorial Act which was ratified by the United States Congress, Session 2, Chapter 85, 1861, which is included as the statutes that large treaties and confirmation of the United States of America from December 5th, 1859 to March 3rd, 1863. So I want to present that for the record, as well as three documents, the Sioux Nation of Indians, the declaratory statement from the Library of Congress from the United States of America.

And we are issuing treaty identification cards now. We will become citizens of the treaty territory. And we will -- initially we're doing just the treaty ID. We are looking at driver's licenses, and we are looking at hunting and fishing as well.

We cannot wait another lifetime for our children to go through the hunger and homelessness. There were ten people shot, including three of our children. Now, if I'm 70 years old and I tell you my children might be 40, so when the government --
when we made that statement, the State of North Dakota said, "Well, you'd better get the Indian Child Welfare Act out." So we'll get it out. But they might say, Well, you're not covered under this because you're 40 years old. So they're trying everything.

But I feel like I'm in a war zone, and I feel like I've been abandoned. And so I brought with me the tribal resolution that is a part of the United States agreement with us. And I was one of the negotiators for Standing Rock as a tribal council member for the Standing Rock Sioux Tribe versus Salazar. And so I brought the entire 20-page justice settlement that we have with them. And it covers Oahe. It covers the shoreline. We made those commitments, and those were protections for our people, and those have to be processed.

We have a dispute resolution in this Justice Department Agreement, and it calls for interaction for 90 days. There are three steps to it. So I will -- I will give that to the Chair of this committee that we made those agreements. So we expect dispute resolution for 90 days, and then we'll go from there.

We also have people who are proceeding with
major class-action lawsuits on the dams. We are owed 4.99 billion, as in "boy," for under the Pelton court, circuit court decision on the construction of dams. We are looking at 56,000 acres of mineral rights that no one has done anything for 40 years. So that comes to about 50 million. And then we're also looking at the riverbed, which is 20,000 acres, and we're doing evaluation of five parts, which are water rights.

So that -- we have adopted criteria at Standing Rock known as the social impact assessment methodology, and we hope that we will be able to promote that methodology for Indian country, as well as America. People have taken it.

And we have to protect our neighborhood. 40 years ago it was in our backyard. Right now it's coming out of our water faucets. And we all need drinking water, so there has to be a methodology.

When they destroyed the village in, the Tlingit Village in Alaska, the government almost created a methodology, but they fell short. So nothing was ever done about it. But time is running out. Mother Earth is tilted, and we don't know what time we have, 20 years, 35 years, maybe another millennium. But we have an obligation. We are the
green keepers of Mother Earth. That's our tradition and our culture. And so it's very serious. America needs to take a look at our culture, and so we created a social impact assessment.

We also created social accounting so that the private sector valuations are not placed on the general dam federal project, mixing them. So we have a comprehensive report on social accounting that has been negotiated with the general accounting office by Robert McLaughlin who is one of our members who is the economist, graduated from Princeton. And that methodology was used in the additional compensation for the Missouri River basin tribes.

You know, I, all my life, refused to be a victim. I went hungry. I know what that is. I know homelessness.

In the national interest, I think the partnership has been a little bit crooked and not balanced. So we want something for our children and our grandchildren. And there are four issues that need to be resolved. We know America's treasury does not have the money for us, but some humanity has to be restored on that river.

The only time that I became so overwhelmed with
anger was I witnessed a helicopter using its landing
gear to knock one of our children off a horse. So
that has been submitted to the United Nation Human
Rights Council, when the woman was shot accidently
but the target was an Indian man.

So I bring this from our camp where we are, we
are not going to leave. We are not going to let the
doctrine of discovery happen again. It's happened
for 500 years. You need to amend the Constitution
of the United States with a Latin term in it that
describes us. We are not wandering beasts. We're
not sub human. We went to the United Nations in
1977 and we declared that we are the red race. We
are a race of people. We are human beings. And the
United States Government has to acknowledge that.
It's in the reports for the (unintelligible).

So I'm going to try to finish with the water
rights are protected in the justice department
document that we have, the agreement, and that
speaks for itself.

We have -- we have a railroad claim. We have
five of them. And we have -- it's in the Federal
Register in 1982. Governor -- the governor of North
Dakota, Dalrymple, is one of the owners of the
railroad and has infringed on the Dakota territory,
territorial act, and that's why we need our day in court. But we know we're not going to get favorable from the court.

The court, the Federal District Court approved a northern border gas line overruling the PUCs, the public utility commissions in North Dakota, South Dakota and Minnesota, so we know and we defy the unilateral action of the federal district courts because they're a conflict of interest, the conflict of interest that Dalrymple owning a railroad. And we are owed. We stopped it.

We have five railroad claims, and those need to be addressed. That is in the report. That is in the agreement with the Justice Department. We have until 2018 to move forward with any kind of lawsuits against the government, so we are prepared to be in discussion, in dialogue, in dispute resolution peacefully.

But during this process and during this time our people are not going to leave. Desecration, tell me about it. Colonel Henderson knows my history. My grandmother, where is my grandmother? Where is my grandmother? I had a beautiful, beautiful grandmother who -- our family was the poster for the North Dakota Historical Society for
generations. And my grandmother was in a mass grave at Standing Rock. You only have a mass grave when you had a massacre. And people ask me all the time, "Are you going to settle for that? Your grandmother is in a mass grave." You know what happened to her? There was contracted grave robbers by the Army Corps.

So my grandmother's grave, she didn't have all the beautiful regalia. She didn't have anything because her grave was robbed. And the Army Corps has to answer to the NAGPRA that has occurred on Standing Rock. They think they're just going to run over us and dig underneath? We own the subjacent rights. The Oahe Act public law 85915 states it very clearly, "above, under".

So this is a real petition to you as federal agents, to you as the members of the government who are obligated to our people. We took an oath, I did, for the treaty that we would be partners, but I -- we also petitioned President Obama during his tenure as President to declare that we were no longer prisoners of war. My prisoner-of-war number is SRU10258.

I want to be an honorable treaty citizen. And so when there is a national dispute about treaties
and you have an international, we have to get there, then international law prevails.

We have adopted the UN study treaty, and I believe that it's incumbent upon the United States to go there, that we are not just to be consulted. I'm not satisfied with an executive order for consultation, no matter who the President is. It has to be a treaty process with the Congress to establish a new relationship. And it has to be based on (Native language), which is a nation of laws, and (Native language), which is honor and respect, two principles. The treaties have to be based upon that. And it can't be just consultation because it's your rules that dictate to me. I am an equal.

And if this America is still a republic and you are governed by the Constitution and treaties are the supreme law of the land, then we will prevail.

And if America follows its own laws and agreements that you have made with us in the taking of over 300,000 acres from Oceti Sakowin and you have not compensated the 197 homes on Standing Rock and now you come and you want to use our water, we have protections in this, in these very legal documents, and all we're asking for you is to obey
the laws of this country, the honor of this country. I spent 20 years going to Geneva, Switzerland for human rights because I couldn't get it here. But we're at a new threshold for all of humanity.

So I'm going to -- I'm going to just say that in natural law, the force of water, the movement for the force of water outdoes any manmade law, and there will be a spill. If you appreciate the force and if you tried to tame the Missouri River by dams, you have to answer to the consequences that will occur with that movement, with the force. The natural force of water endures and it will happen. We know that. No technology, no human being is so great that they can build something better than Mother Nature has created.

So we need our time. We need the course. We're not subject to the rule of law or the color of law. We are treaty people. We stand on it. We are sovereign. We made noble agreements with the United States of America.

And I have a letter to the Department of Interior on the right-of-ways. The tribe has a letter coming on all the Type 13, including all the pipelines that we want from the northern border pipeline. And there is no archeological report with
that. That was terminated in 1981. And we have the documents. So technically you have no right-of-way, so how can you piggyback on a right-of-way that doesn't exist? And everybody is trying to move on the right-of-way of that border pipeline, northern border pipeline. So we have a very serious issue on that that we'll be submitting to Interior, the records. And we will be giving these documents to Justice. And we have comprehensive documents for the U.S. Army Corps of Engineers.

We have -- Standing Rock, we have an act of Congress. Public Law 85915 was negotiated language based on a federal lawsuit to stop that we entered into court to address the just compensation. And this is our second lawsuit. However, we have lost confidence in the Federal Court System.

And we are not going to move, and we are not going to allow anyone to go under our, under our river. We have treaty territory no matter who tells us that we have no standing.

We are fighting with the Organization of American States in January. We have filed with the National -- with the United Nations Committee to eliminate racial discrimination. And based on moving the route from Bismarck, because it was going
to contaminate their water, they moved it 10 miles -- 40 miles south to Standing Rock. So that case will be heard this month. We've gone to the Human Rights Council, to the Amnesty International, who will all be coming up with reports.

But I pray that the people who have been injured will heal and that we will not have to suffer the PTSD. We have peace trainers coming from all over the country. We have -- we're trying to create a mindset of peace from the Quakers. So we're doing a lot for our nation. This has -- this has created many tentacles of all kinds.

And we intend to do legal. We have over 500 people that have now been arrested, have been subjected to, you heard, having numbers written on their arms, having hoods over their heads, being put in dog cages. Is this the new America? If it is, we're the canary in the mine again and as usual, and you need to put your heads up and see what's happening in your backyard.

Thank you for this time.

(Applause)

MR. TRACY TOULOU: Thank you.

Jason Cooke?

So I'm going to switch mics.
So next would be Kenny Frost.

Let me get a new mic for you, Kenny.

We've only got a few minutes, guys.

MR. KENNY FROST: Good afternoon, the tribal leaders who are still here, and especially the grassroots people and the treaty people who are here today and the Tribal Historic Preservation Officers who are still here.

And thank you, federal agencies, for being here and allowing me to speak.

And especially for our people up there in Standing Rock who are camped, our prayers are with them and our thoughts are with them.

I’m Kenny Frost, and I am a Native American consultant. And I help a lot of people. I have a background in natural resources, a little bit in law and got out of that for self-preservation purposes and (unintelligible).

And I’ve been doing this since the very beginning in ’89 when NAGPRA was going to be passed and fought for NAGPRA and many different laws and even gone to so many historic preservation meetings regarding all the federal statutes that govern Native American sites, particularly our sacred sites, the procedures, trained, certified, federal
archeologists, state, federal, private, as well as
government directors, and trained them under use of
the federal laws. And some of you look familiar
because you were still here when I was doing that.
And we have that working relationship that we have
worked so hard to work with the Native tribes and
push those.

And just as you said, there are two processes
to a consultation, and there shouldn't be two
processes. It was supposed to be streamlined to be
one. But it's so hard that federal agencies have to
say, "We have to go this way," depending on which
federal agency you talk to. Because another federal
agency, "No, this is the one that we have to do.
And I don't know why they're going that route." So
then you have the inner conflict between federal
agencies. And it shouldn't be that way, but it is.
And that's what makes it hard and it makes it
difficult.

Now, I've been involved with the Army Corps
since '92, '93. And I have talked to Colonel
Henderson who I'm glad I got to meet. To give you a
little bit of that brief history before your
predecessors were here, and that was managing the
Missouri River from boundary to boundary, and I
helped them do that and get that, and that's how Standing Rock got to have that part of the river.

Technically the Great Lakota Nation should be in charge of the whole river, but unfortunately due to us being placed on reservations and our traditional homelands are no longer there -- we should all be managing the river. But it doesn't work out that way because of what happened.

We cannot change what happened in the past when we were forced to Indian country in Oklahoma. We can't change to where we're at today on those reservations, but we have these laws to help us manage these things.

And in the Army Corps' own documents there's a section that even Army Corps has, and that says "Water is life" in the Army Corps' documents, "Water is life." We are still saying that today, our people at camp, the Oceti.

Many here, the people talk passionately from their heart. Each and every one of you federal directors, you have heard this constantly over and over and over. And I've been to those consultation meetings where you have heard people talk. You have heard them cry. They have pleaded with you. And unfortunately (unintelligible) directors or
agencies, "This is how it is. This is how it's
going to be, and this is what we're going to do."

It doesn't work that way. Regulations. Even the
Army Corps of Engineers' own documents site
(unintelligible) laws, 1906, NEPA of 1990, the
Indian Freedom of Religion Act, '78, and the
amendments. And there's even a section that says if
a native tribe wants to come in or people want to
come in onto the Army Corps' lands to worship, no
problem. And that's what our people were doing.

Even when you look at the videos of our protectors
trying to cross the Missouri to go over to that
mountain where the burial sites are there, all they
wanted to do was pray for those ancestors. Because
those sites are desecrated.

I was there September 3rd when the dogs
attacked us. And where they bladed, unless you're
trained to identify those burial sites, you can look
at the ground at a certain angle and you can see the
indentions of those burials. But only a trained eye
has that ability to see that. And those were there.

And even to a point that an archeologist says,
"Here's the human remains."

In the Army Corps' documents it also talks
about work stoppage. The key point was if human
remains are discovered on Army Corps' lands, as well as other federal lands that also have that same statement, work stops immediately. That did not happen.

What should have happened was the tribal archeologists should have came in on site, along with the Army Corps officials, because that's in every federal agency's document, if we find human remains, the project stops until we get that cleared, get the human remains relocated or reroute that route in order to protect those humans remains. And I've been to so many of those with federal agencies that they stopped the project totally. That did not happen.

So what we're going to do is I'm going to read some of the things. And mind you, what I'm reading is Army Corps' language, not the Native tribes', Army Corps, what they wrote. And, like I said, they even had it in their own documents, "Water is life."

And we went and I worked with the tribal SHPOs yesterday, and we went through the Army Corps documents. We accessed them and got them. And there was quite a few documents that we went through, but we highlighted the key points which are very important.
And this was done with your predecessors before you. And this is going to be a training session. That's why the tribes, that some of the people were saying we need to have a training session with you to train you to bring you up to par. Unfortunately federal directors change hands in a few years, and then we have to go back, retrain them. Directors of different agencies within the federal agency, have to go back in and retrain them, "This is what the documents say. This is what was said. This is what was agreed upon." And it's always a continuing cycle to train government officials sadly. And unfortunately each one of guys are going to be leaving.

Okay, good.

MR. JAMIE CONNELL: I'll still be here.

MR. KENNY FROST: That's good.

MR. BRUCE LOUERMILK: I'll be here.

MR. KENNY FROST: So even though you guys are going to leave -- and we always go through this process when a new President comes in, because he wants to put in his own staff. Just because you're leaving, you can still make an impact; you can make a positive impact. And that's what you want to leave with is: I did this. I helped the tribes. I
can do it. And I want you to do that with that
frame of mind here, remain positive.

Now, the Army Corps in their own agreements
regarding access to religious and cultural sites,
they have cited all the federal laws that govern
Indian tribes, from even the archeological law,
NAGPRA, Indian Freedom of Religion Act. That's all
in there and it's addressed. There's even
definitions, which sometimes a couple of the
definitions say a little bit more than what we would
say in there, but it's in there. And the Army Corps
wants to do the right thing, and that was good. I
was like, Hey, that's pretty good. That's stronger
than what I would have said, but it works.

Because some of what happened before the PAs
even existed, we had draft MOUs and MOAs, and those
are still in effect. The tribes expect the Corps to
exercise genuine stewardships with respect to places
that hold religious and cultural importance for the
tribes and to share the stewardship of these special
places with tribes. Whether this is called shared
stewardship or cooperative management and other
items, the tribes expect a relationship that
develops between the corps and the tribe to be
respectful and cooperative, with the ultimate
objective of protecting these sacred and culturally
important places and reassuring access to religious
and cultural activities, Army Corps' words. And
that's what the tribes are saying today. And this
is in their document.

Finally, tribes anticipating that this shared
stewardship document will ensure that our sacred and
cultural places are regarded and understood from a
Native standpoint with our values and customs
applied to the protection and not necessarily of
those archeologists, archeology, which means that
the sacred sites, that we can go up there and do
worshiping and the Army Corps agrees to that, as
long as we let them know.

And there's always that working with federal
lands and agencies is we always have to let the
federal agency know, "Hey, we want to take a group
up there and go pray. We're going to pray and then
we're going to leave, leave everything untouched,
just take what we need. We get back out." And
that's what we've always done with a lot of
different Indian tribes, we have gone to those
special places. In the Army Corps of Engineers' own
PA regarding the National Historic Preservation Act,
they wrote -- they have stated this. This is a very
important in black and white as per their own agreement.

Now, the kicker here is, and I've been saying this from the very beginning is, which I've been saying since September 16th, Army Corps speaks of the federal undertaking, meaning all federal laws kick in on private and state lands on any federal projects with dollars, manpower, phone calls made to the government and with state officials. And every federal agency that I have worked with has that. Even though it's Army Corps, U.S. Forest Service, BLM that's traversing through private and state lands and it's a federal project fully funded by the Federal Government, those federal laws kick in automatically. And we know that, and the Army Corps has that, saying that that's a federal undertaking.

The State of South Dakota is saying, No, we have jurisdiction over this land. But we don't because it's federal dollars by Army Corps, and their approval. And even in Colorado there could be a project that the State of Colorado was doing that one phone call to the federal agency, those federal laws kick in automatically because now you just been communicating with the federal agency, and those federal laws kick in. And that's how we stop a lot
of projects to make sure that these federal rules
are adhered to and in working with, together.

And even in the compliance of the National
Historic Preservation Act, in the "whereas" in the
Army Corps' documents, "Whereas the Corps is
responsible for complying with the National Historic
Preservation Act as amended here in the NEPA 8965
Public Law and amended including Section 110 that
requires federal agencies to establish a program to
preserve, protect, identify and evaluate and
nominate historic properties under the jurisdiction
and control, including traditional cultural
properties and historic properties under their
jurisdiction and control, including traditional
cultural properties and historic properties in which
tribes attach religious and cultural significance in
consultation with others and, two, to give full
consideration in the preservation of historic
properties not under the jurisdiction or control but
to affect a federal agency undertaking. Once again,
talking about the undertaking.

Whereas, the Army Corps main stem system
operation and management action under the definition
of undertaking for the purpose of Section 106 of
NEPA and therefore the Army Corps is responsible for
complying with Section 106 and these actions and
whereas the Corps is required by Section 101,
Section C6 of the NEPA to consult with any Indian
tribe that has attached religious and cultural
significance to historic properties that may be
affected by a proposed federal undertaking in
Section 106.

MR. TRACY TOULOU: Ken, we're going to have to
cut off here because we've lost the room. It's four
o'clock. We'd love to see your materials.

I think the army, since you're mostly
addressing them, they would be happy to talk to you.

MR. KENNY FROST: Yeah. Let me -- let me --
let me just say this one point then. In Army Corps'
own documents they cite all the federal laws that
deal with sacred religious sites' protection, and
they have not abided by their own rules and their
own words, and that's why I'm freaking out because
they need to do that and try to work as quickly as,
with the tribes.

Mind you, even in one of the documents in the
Army Corps' own language they consulted with 19
tribes in May and then the following year in April
consulted with those same 19 tribes a year later,
everybody from Montana from the head waters of the
Missouri, but they didn't consult with the tribes that came in from Canada. And they also need to be included because there was no imaginary lines. So it's important that -- and there's a signature -- Mr. (unintelligible) said there was only four. I have the document that shows well over 17 signatures on the Army Corps document that I have in my possession.

So I want to say thank you. And we're going to turn this in as part of the testimony because it's something that needs to be brought up from Army Corps' own words.

So I'm going to say thank you --

MR. TRACY TOULOU: Thank you.

MR. KENNY FROST: -- for allowing me to speak.

(Applause)

MR. TRACY TOULOU: So we're going to have to wrap it up.

C.J., I really want to thank you for everything you did in facilitating this.

Jim, I would like to talk to you maybe outside in the hall. I'm sorry, I think you're the last one and we're out of time. I apologize.

MS. FAITH SPOTTED EAGLE: Could we have a closing prayer, too?
MR. C.J. CLIFFORD: I just kind of -- we wrote something down here, if you guys can all take a look. And we're hoping that -- this is just a couple of things that we put down, but many things were said today that are relevant. So in the near future I'm hoping that after we look at it, there will be more added to it as we go along.

MR. TRACY TOULOU: I'll take a picture.

MS. FAITH SPOTTED EAGLE: Thank you.

As you know, women are caretakers of the water. So as grandmas, I'm going to ask Casey to stand with me as we talk to the water. The water has been listening to the (Native language) all day long, and this is from the (Native language). So what we're going to do -- we're in a watershed. So we're gonna -- we know that Rapid Creek is polluted with the tailings from Homestake. There's uranium that goes down the river. So we're going to give this water in prayer to this watershed. So if you could close your eyes, then we're going to offer -- I'm going to offer just a couple versus of a song that tells how proud we are of who we are as a people.

So if you could just pray with me for Mother Earth and the water and for the decisions that will be made by these people up here, that it'll be done
in a strong way.

    (Closing song)

            * * * * *

    (The proceedings concluded at 4:07 p.m.,
November 17, 2016.)
STATE OF SOUTH DAKOTA )
COUNTY OF PENNINGTON ) ss.

I, CINDY K. PFINGSTON, hereby certify that the foregoing pages numbered from 1 to 232, inclusive, constitute a full, true and accurate record of the proceedings had in the above matter, all done to the best of my skill and ability.

DATED this 28th day of November, 2016.

________________________________
CINDY K. PFINGSTON
Registered Professional Reporter

My commission expires:
February 4, 2022
Hungry

Humanity

Hundred

Hunhapa [2]

Hunt [1]

Hunted [1]

Hunting [6]

Hurt [6]

Hurting [7]

Hurts [2]

Hush [6]

Hydro [1]

Hydropower [1]

I'd [17]

I'll [27]

I'm [218]

I'll [27]

Including [6]

Include [6]

Improve [5]

Imports [1]

Imported [4]

Importance [4]

Implemented [4]

Immediately [1]

Immediated [1]

Ignore [1]

Ignored [6]

Ignores [1]

Ignoring [2]

Ignorance [1]

Imagery [1]

Imagine [4]

Imagin [1]

Incredible [2]

I'm [42]

I'm [218]

2/11 4/15 12/16

16/15 19/19 11/13 34/4 36/9

51/10 54/12 54/14 55/9 55/18

74/5 75/24 81/4 97/18 107/24

110/9 129/10 133/6 137/20

137/21 143/6 150/5 152/11

160/7 162/25 185/23 185/24

186/11 187/24 190/10 193/12

203/5 208/8 218/19 219/20

220/22 222/12 263/23 226/4

Icecaps [2]

178/10 178/10

ID [2]

80/4 207/18

idea [2]

108/19 195/19

Identification [2]

52/23

207/15

Identified [1]

199/18

Identify [10]

52/22 56/7

57/17 97/22 123/14 158/22

168/6 185/10 221/18 227/10

Identifying [2]

32/5 120/19

Identity [2]

140/15 141/13

If she's [1]

110/11

Ignorance [1]

199/25

Ignored [6]

26/4 26/5 57/11

100/19 127/19 201/9

Ignoring [2]

51/17 61/14

Imaginary [1]

229/3

Imagine [4]

52/4 91/2 124/19

143/11

Immediately [1]

223/2

Impact [25]

27/10 31/10 37/6

37/8 37/12 39/20 41/15

112/20 112/24 159/9 159/23

163/23 11/2 193/7 185/1

185/13 195/11 197/14 200/2

200/23 201/15 209/11 210/4

223/23 223/24

Impacted [4]

37/9 40/23 50/18

50/20

Impacts [6]

29/12 29/24 42/2

165/17 165/21 169/3

Imperative [1]

56/17

Implement [2]

61/2 74/25

Implementation [2]

31/13

195/7

Implemented [4]

53/15 53/16

63/6 169/10

Implications [1]

169/8

Importance [4]

7/23 25/23

118/21 224/19

Important [26]

6/7 7/21 7/22

13/7 26/8 27/8 31/22 57/6

57/9 59/3 64/20 71/11 78/25

86/5 86/5 113/13 125/7

127/18 138/8 142/4 144/10

178/10 222/25 225/2 226/1

229/4

Imports [1]

182/3

Imposed [1]

97/8

Impounded [1]

206/2

Improve [5]

21/19 34/10 41/25

61/10 63/19

Improvement [2]

9/23 76/8

Improving [5]

134/7 134/14

Incepted [1]

52/25

Incident [2]

72/17 111/5

Incidents [1]

95/17

Include [6]

27/5 32/3 70/3
### Page 1

<table>
<thead>
<tr>
<th>Term</th>
<th>Frequency</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minerals</td>
<td>20</td>
</tr>
<tr>
<td>Metals</td>
<td>15</td>
</tr>
<tr>
<td>Ore</td>
<td>10</td>
</tr>
<tr>
<td>Metals</td>
<td>10</td>
</tr>
<tr>
<td>Rocks</td>
<td>9</td>
</tr>
<tr>
<td>Nails</td>
<td>8</td>
</tr>
<tr>
<td>Stones</td>
<td>7</td>
</tr>
<tr>
<td>Irons</td>
<td>6</td>
</tr>
<tr>
<td>Steels</td>
<td>5</td>
</tr>
<tr>
<td>Golds</td>
<td>4</td>
</tr>
<tr>
<td>Silvers</td>
<td>3</td>
</tr>
<tr>
<td>Chromes</td>
<td>2</td>
</tr>
<tr>
<td>Alums</td>
<td>1</td>
</tr>
<tr>
<td>Alloys</td>
<td>1</td>
</tr>
<tr>
<td>Substances</td>
<td>1</td>
</tr>
</tbody>
</table>

**Extracted Text**

- **Minerals:** 20
- **Metals:** 15
- **Rocks:** 10
- **Nails:** 9
- **Iron:** 7
- **Steels:** 6
- **Gold:** 5
- **Silvers:** 4
- **Chromes:** 3
- **Alums:** 2
- **Alloys:** 1
- **Substances:** 1
| you | 20/22 81/22 208/2 |
| you'd | 90/4 102/20 160/12 |
| you'll | 6/18 13/21 16/24 |
| you're | 17/4 17/19 17/21 18/4 18/4 22/13 23/8 33/22 34/17 37/4 39/25 52/17 78/10 83/12 83/13 89/8 91/16 95/2 95/17 95/21 98/13 100/17 111/13 113/3 113/4 113/25 122/11 129/19 131/5 133/13 134/16 135/7 142/21 144/19 146/20 153/24 161/8 161/12 170/23 172/22 174/6 177/15 178/17 179/2 182/22 187/15 188/21 190/24 192/4 198/2 202/22 208/4 208/5 221/17 223/22 228/11 229/22 |
| you've | 36/16 36/17 36/25 37/9 52/5 54/10 94/13 111/12 130/25 131/1 138/7 156/5 59/20 82/23 130/8 131/18 134/21 141/21 141/22 141/23 142/20 143/12 143/25 143/25 144/3 144/15 145/1 156/7 157/12 159/14 162/3 186/4 190/19 192/24 203/19 |
| young | 44/12 52/17 59/17 59/20 82/23 130/8 131/18 134/21 141/21 141/22 141/23 142/20 143/12 143/25 143/25 144/3 144/15 145/1 156/7 157/12 159/14 162/3 186/4 190/19 192/24 203/19 |
| younger | 143/18 198/6 |
| your | 6/5 7/5 7/12 7/12 |
| yourself | 81/7 83/7 83/13 91/10 126/5 140/13 |
| youth | 131/10 192/14 |

| Zimprich | 6/24 |
| zone | 31/9 179/2 208/7 |
| zooming | 201/6 |