



GREAT PLAINS TRIBAL CHAIRMAN'S ASSOCIATION

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January 11, 2015

The Honorable Barack Obama
President
United States of America
1600 Pennsylvania Avenue NW
Washington, DC 20500

RE: Veto Legislation to Approve the Keystone XL Pipeline and DO NOT Approve a Permit for the Pipeline.

Dear President Obama:

The Great Plains Tribal Chairman's Association (GPTCA) is made up of the 16 Sovereign American Indian Tribes in the States of North Dakota, South Dakota and Nebraska. All of our Tribes have signed Treaties with the United States in which the United States pledged to protect Indian Tribes, guarantee the right to Self-Government and obligated itself to undertake Trust Responsibility. The Great Plains Tribal Chairman's Association stands in solidarity with the First Nations of Canada and with Tribal Nations in the United States in opposing the Keystone XL pipeline

We are writing to alert you that TransCanada Keystone Pipeline, LP (TransCanada) is in the midst of the recertification process of its 2010 permit from the South Dakota Public Utilities (SDPUC) for the Keystone XL pipeline. While we are aware the Nebraska Supreme Court issued a decision to vacate a lower court decision that held a Nebraska statute concerning the Keystone XL pipeline unconstitutional, we write to urge you to consider the fact that TransCanada's permit to traverse South Dakota is still under review and does not authorize construction of the project in South Dakota unless and until the SD PUC grants certification.

Four Federally Recognized Tribes have signed on as Party Intervenors in the SD PUC proceedings as well as numerous Native and nonnative concerned citizens. The Tribes include the Standing Rock Sioux Tribe, the Cheyenne River Sioux Tribe, Rosebud Sioux Tribe and the Yankton Sioux Tribe. Other Great Plains Tribes are poised to comment and are monitoring the proceedings. The pipeline is planned to traverse through our homelands that still possess substantial treaty obligations, cultural and natural resources and

water rights for all the Great Plains tribes. These are also the homelands of numerous animals, birds and fish including several endangered species.

Under South Dakota law, TransCanada must declare that the conditions under which the permit was issued in 2010 remain the same despite submitting along with its application a matrix of 30 Changed Conditions. These 30 Changed Conditions show that significant design and construction changes are planned for the pipeline that make it substantially different in our eyes. The 2010 permit was also issued with 50 Special Permit Conditions that TransCanada also must prove it still meets before it can legally commence construction of the project. While there is an evidentiary hearing currently set for May 2015, it is unclear when a final decision will be issued in that case.

We therefore urge you, consistent with your stance on the previously pending Nebraska litigation, to refrain from making any decision regarding whether the Keystone XL pipeline would be in the national interest until you have all the necessary facts before you. Tribal leaders request you deny the permit as contrary to the national interest.

It is the position of the GPTCA that your administration does in fact have incontrovertible evidence that the proposed Keystone XL pipeline would be a detriment to the American public and the national interest regardless of whether the SD PUC ultimately authorizes construction under TransCanada's 2010 permit due to the risks the project poses regardless of the particular route through South Dakota. The GPTCA urges you to deny the Presidential Permit for the reasons set forth in the attached GPTCA Resolution among others. However, should you have reservations about denying the Presidential Permit at this time, please grant South Dakota the same respect you accorded Nebraska and refrain from making your decision until after the legal processes regarding the South Dakota permit have been resolved. We strongly urge you to veto any legislation passed by Congress that mandates the issuance of a presidential permit to TransCanada. We believe, consistent with federal separation of powers, that a decision to deny TransCanada a federal permit must be made by your Executive branch and it is not appropriate for legislation.

We further assert that construction of any pipeline violates the Fort Laramie Treaties of 1851 and 1868, which impact the greater population of the Oceti Sakowin or the Seven Council Fires of the Lakota, Dakota and Nakota Tribes. We are known to many as the Great Sioux Nation and are the keepers of the sacred, cultural and natural resources located in the KXL corridor. Literally, thousands of sacred and cultural resources that are important to our life-ways and for our future generations will potentially be destroyed or compromised by the pipeline construction. Many of these sacred sites have not been surveyed by outsiders less they be looted or plundered but are known to those designated by our people considered to be sacred keepers of this knowledge. The Programmatic agreement entered into for compliance with the National Historic Preservation Act acknowledges that construction of the pipeline would cause destruction to many sacred and cultural sites.

With regards to our tribal federally reserved water rights in the Great Plains Basin, the pollution risk via benzene and other carcinogens from the tar sands sludge spilling into the tributaries that lead into the Missouri River or leaching into the Oglala Aquifer, should a pipeline break occur, is too great. The Missouri River is the source of drinking water for many communities along the Missouri River mainstem. The Oglala Aquifer supplies drinking water throughout the Great Plains region. All of this development further impacts reserved rights of our Oceti Sakowin which were unceded by treaties, including the right to live in a safe manner and be in control of our human, cultural and natural resources as outlined in the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP). Consultation has not occurred in a manner that recognizes free, prior and informed consent for the

construction of this pipeline. We believe it is our Human Right to live safely on our homelands with clean water and lands.

Very importantly, the KXL Pipeline and the continued development of the Alberta tar sands will increase the carbon footprint in our sacred lands for the enrichment of foreign countries and oil companies. As you know, climate change will impact and affect all of us including the generations to come unless we do something to stop it now. The Oceti Sakowin tribes are making important strides toward renewable energy with the Oceti Sakowin Power Project (OSPP) that recognizes fossil fuels are relics that contribute to phenomenal climate change. The OSPP leaders met with the White House representatives in our effort to turn the tide against globing warming through solar and wind development on our lands. We do not have to be held prisoners of fossil fuels but can create stories of redemption for Mother Earth through exciting renewals development, not in the future but now.

Because of the dire concerns outlined above, we request an emergency meeting with Department of Interior Secretary Sally Jewell, who as our Trustee, has a responsibility to hear directly from tribal leaders in a government-to-government meeting. We are prepared to put forth our concerns for inclusion in the forthcoming Final Environmental Impact Statement (FEIS) regarding the impacts the Keystone XL pipeline may have on Tribal homelands as well as our sacred sites, cultural resources, natural resources and water rights protected by treaty and other agreements.

The Executive Director of the GPTCA, Ms. Gay Kingman-Wapato, is the contact for the GPTCA and is empowered to work with your administration staff to coordinate a meeting at Secretary Jewell's earliest convenience. She can be reached at Cell: 605-484-3036 or e-mail, Kingmanwapato@rushmore.com

Sincerely,

A handwritten signature in black ink that reads "John Steele". The signature is written in a cursive, flowing style.

John Steele
President, Oglala Sioux Tribe
Chairman, Great Plains Tribal Chairman's Association

cc: Interior Dept. Secretary Sally Jewell
State Dept. Secretary John Kerry
Senator John Thune (R-SD)
Senator Michael Rounds (R-SD)
Congresswoman Kristi Noemi (R-SD)
Senator Lisa Murkowski (R-AK)
Senator Heidi Heitkamp (D-ND)
Senator John Hoeven (R-ND)
Congressman Kevin Cramer (R-ND)
Senator Deb Fisher (R-NE)
Senator Ben Sasse (R-NE)
Congressman Jeff Fortenberry (R-NE)
Congressman Brad Ashford (D-NE)
Congressman Adrian Smith (R-NE)
Ms. Jodi Gillette
GPTCA member Tribes