

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

STANDING ROCK SIOUX TRIBE,

Plaintiff,

v.

U.S. ARMY CORPS OF ENGINEERS,

Defendant.

Case No. 1:16-cv-1534-JEB

**DECLARATION OF CHAIRMAN HAROLD FRAZIER IN SUPPORT OF
CHEYENNE RIVER SIOUX TRIBE'S UNOPPOSED MOTION TO INTERVENE AND
MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT OF
MOTION TO INTERVENE**

1. The information contained herein is based on my personal knowledge, and I am competent to testify to the contents contained herein if I am called to do so in any proceeding.
2. My name is Harold Frazier.
3. I was born and raised on the Cheyenne River Sioux Reservation ("Reservation").
4. I have an Associate's Degree in Agricultural Business from Eastern Wyoming College and Bachelor of Science in Business Administration from Oglala Lakota College.
5. I am the duly elected Chairman of the Cheyenne River Sioux Tribe ("Tribe"), and I served as Chairman from 2002 to 2006 and from 2014 to the present.
6. The Tribe is governed by a Tribal Council made up of elected representatives who act in accordance with the powers granted to it by its Constitution and By-Laws.
7. The duties of the Tribal Chairman include all aspects of business and leadership for the Tribe.

8. The Chairman also has a duty to be knowledgeable about property and landholdings within the Reservation and the surrounding areas that affect the Reservation.

9. The Tribe has approximately 19,000 enrolled members, about half of whom presently reside on the Reservation.

10. The Tribe is a successor to the Great Sioux Nation, which was a party to the Fort Laramie Treaty of 1851 and the Fort Laramie Treat of 1868.

11. The Great Sioux Nation's territory once spanned all of the Dakotas and much of Montana, Wyoming, and Nebraska, including the area at the confluence of the Cannonball and Missouri Rivers on which the Army Corps of Engineers has granted permits for Dakota Access, LLC to begin constructing the Dakota Access Pipeline ("DAPL").

12. Today, the Cheyenne River Sioux Tribe is located on the Cheyenne River Sioux Indian Reservation. The northern border of the Reservation is the Standing Rock Sioux Reservation. The eastern boarder of the Reservation is the Missouri River, which the Army Corps of Engineers flooded in the 1950s destroying more than one-hundred thousand acres of the most culturally and economically valuable land on the Reservation and creating Lake Oahe.

13. As a result of the loss of the Tribe's most valuable land, the Tribe has struggled economically. Recent studies have determined Ziebach County, which is wholly within the Cheyenne River Sioux Reservation, to be the poorest county in the United States.

14. The primary industries on the Reservation are agriculture and tourism, both of which depend upon the waters of Lake Oahe.

15. The waters of Lake Oahe also supply the people the Cheyenne Rivers Sioux Tribe with most of their drinking water. But just as importantly, the waters of the Missouri River and

Lake Oahe are sacred to the Lakota people and essential to the practice of our religion and our way of life.

16. Discharges into Lake Oahe, whether scheduled or accidental, as a result of the DAPL have the potential to endanger the health and the livelihoods of the people of the Cheyenne River Sioux Tribe.

17. In the early summer of 2016, I personally corresponded with Colonel Henderson, District Commander of the Army Corps of Engineers, Omaha District regarding government-to-government consultation.

18. In a letter dated May 6, 2016 and addressed to me, Colonel Henderson acknowledged our prior requests for consultation, but indicated that the Corps “ha[d] been unsuccessful in identifying any potential meetings dates,” but did not make any further efforts toward arranging consultation. A true and correct copy of the May 6, 2016 letter from Colonel Henderson to me is attached hereto as “**Exhibit 1.**”

19. On June 22, 2016, Colonel Henderson corresponded with me in response to my June 3, 2016 request for government-to-government consultation. This letter references the Corps’ “efforts to arrange consultation,” however I never received any correspondence or telephone communication for the Corps attempting to set up such a consultation. Instead, the June 22, 2016 letter enclosed a “Question and Answer summary” from other consultation meetings with other parties and the Corps. A true and correct copy of the June 22, 2016 letter from Colonel Henderson to me is attached hereto as “**Exhibit 2.**”

20. On July 25, 2016, I sent a letter to Colonel Henderson to advise of our continuing objection to the Corps’ efforts to consult with Cheyenne River Sioux Tribe on a government-to-government basis. I did not receive any written response to my letter. Colonel Henderson did take

my call on August 3, 2016, but he expressed his opinion that tribes, including the Cheyenne River Sioux Tribe, had already had sufficient opportunity to consult with the Corps. A true and correct copy of my July 25, 2016 letter to Colonel Henderson is attached hereto as “**Exhibit 3.**”

21. Despite the fact that the Tribe has repeatedly requested government-to-government consultation with the Army Corps of Engineers in connection with the DAPL, no representative of that federal agency has ever met with me or my Tribal Council.

I declare under the penalty of perjury that the foregoing is true and correct

Dated: August 10, 2016

A handwritten signature in black ink, appearing to read 'H. Frazier', written over a horizontal line.

Harold Frazier,
Chairman, Cheyenne River Sioux Tribe