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P.O. Box 590  
Eagle Butte, South Dakota 57625  
Phone: (605) 964-4155  
Fax: (605) 964-4151

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April 26, 2020

Darryl LeCount  
Director, Bureau of Indian Affairs  
Washington, DC 20240

Via email: [darryl.lacounte@bia.gov](mailto:darryl.lacounte@bia.gov)

RE: BIA's concern for State roads

Dear Mr. LeCount:

I received your letter Friday morning, and quite frankly, I am a little confused. You are making erroneous assumptions based on a lack of correct information. The Tribe has not closed any roads. We are simply regulating travelers' entry onto the Reservation in an attempt to prevent, reduce, and track the spread of the COVID-19 coronavirus here on the Cheyenne River Sioux Reservation. I will try to address other concerns from your letter.

1. Consultation with the State of South Dakota. You express concern that the Cheyenne River Sioux Tribe has not "consulted" with the State of South Dakota regarding the COVID-19 Health Safety Checkpoints. The State has indeed been consulted. Governor Kristi Noem and I have had text and voice conversations since the beginning of the COVID-19 public health crisis. In her daily briefings to the public the Honorable Governor has encouraged and deferred to the authority of local governments to respond this crisis. Following her lead, we have had several meetings with local county and municipal officials since as far back as mid-March to seek their guidance and input as we established and maintain our COVID-19 health safety checkpoints. The message we have received from all our meetings with local officials is that they do not have the resources, planning, or capacity to deal with this crisis, so they are deferring to the Tribe to take action. Additionally, we sought – and received – assistance and input from the SD Department of Transportation in setting up the checkpoints. The State of South Dakota has not sent us any notice that we have failed to consult with them, *mainly because we have been in frequent communications with state and local officials at all levels since this public health crisis began*, so I am confused as to why the BIA believes we have not.
2. Ownership of US Highway 212. You noted that the State of South Dakota owns US Highway 212. I was very surprised to read that. Can you please provide me with proof that they own the highway? To the best of my knowledge the Cheyenne River Sioux Tribe has never agreed to grant the State a right-of-way across our land. I note that it is still OUR land within OUR reservation. We have the right and the

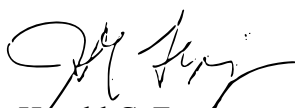
obligation as the governing body of the Cheyenne River Sioux Reservation to protect and take public health precautions in light of this COVID-19 global pandemic. We are protecting ALL residents of our reservation from this highly contagious virus, because it is color blind in its death march.

3. Law Enforcement Officers. You also questioned whether the checkpoints are being operated by CRST law enforcement officers. In response, I direct you to Section 4-1-6 of the CRST Law and Order Code. There it says that “security related personnel from other departments of the Tribe may be deputized to aid in the enforcement,” of CRST laws. The courageous and dedicated deputies who are working at the CRST COVID-19 checkpoints have been sworn in as deputies, oriented, and trained to safely and courteously screen all travelers for signs or symptoms of the COVID-19 coronavirus.

The mission of the BIA, as I understand it, is to enhance the quality of life, to promote economic opportunity, and to carry out the responsibility to protect and improve the trust assets of American Indians and Indian tribes. We have hundreds of roads that are in dismal condition on our reservation. They are not maintained properly by the BIA. When our roads are being destroyed by flooding each year, we ask the BIA for assistance in repairing them. Your agency’s response is just to ignore us or shrug your shoulders and tell us there is nothing you can do. So why is the BIA suddenly concerned about a supposed state road that happens to run through our reservation? The roads you should be concerned about are BIA routes on our reservation, not a supposed state highway.

You say that our Tribe will face “serious consequences” for not consulting with the State of SD or re-opening US Highway 212. Can you please clarify what sort of consequences you are referring to? We have not closed the highway, nor have we failed to “consult” with the State. In fact, just yesterday Congressman Dusty Johnson expressed his support for our checkpoints. His concern – which is ours as well – is that the checkpoints are operated safely, effectively, and that they allow for the continued passage of essential goods and services, which they do. Rather than threaten us for trying to protect all of our reservation’s residents, could the BIA instead deploy its local and regional employees to come help us, at the checkpoints or elsewhere on the Reservation, protect against the spread of this deadly COVID-19 virus on the Cheyenne River Sioux Reservation?

Sincerely,



Harold C. Frazier  
CRST Tribal Chairman