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Indigenous Peoples' Rights

<https://www.culturalsurvival.org/news/rosebud-sioux-tribe-and-fort-belknap-indian-community-file-suit-rescind-keystone-xl>

Campaign and Advocacy

By [NARF](#)

Great Falls, MT (September 10, 2018) The Rosebud Sioux Tribe (*Sicangu Lakota Oyate*) and the Fort Belknap Indian Community (Assiniboiné (*Nakoda*) and Gros Ventre (*Aaniiih*) Tribes) in coordination with their counsel, the [Native American Rights Fund](#), today [sued the Trump Administration in the U.S. District Court for the District of Montana, Great Falls Division, for numerous violations of the law in the Keystone XL pipeline permitting process](#). The Tribes are asking the court to declare the review process in violation of the Administrative Procedure Act (APA), the National Environmental Policy Act (NEPA), and the National Historic Preservation Act (NHPA) and to rescind the illegal issuance of the Keystone XL pipeline presidential permit.

On March 23, 2017, the U.S. Department of State granted TransCanada's permit application and issued it a presidential permit to construct and operate the Keystone XL Pipeline. This decision reversed two previous administrative decisions and was done without any public comment or environmental analysis. The permitting process was completed only 56 days after TransCanada submitted its application for the third time. The State Department provided no explanation in the 2017 decision for its contradictory factual finding; instead, it simply disregarded its previous factual findings and replaced them with a new one. The reversal came as no surprise. According to a 2015 personal public financial disclosure report filed with the Federal Election Commission, then-candidate Trump held between \$250,000 and \$500,000 worth of stock in TransCanada Pipelines, Ltd. NARF [Staff Attorney Natalie Landreth](#) explains, President Trump permitted the Keystone XL pipeline because he wanted to. It was a political step, having nothing to do with what the law actually requires. NARF is honored to represent the Rosebud Sioux and Fort Belknap Tribes to fully enforce the laws and fight this illegal pipeline.

Snaking its way from Alberta to Nebraska, the pipeline would cross the United States-Canada border in Philips County, Montana, directly adjacent to Blaine County and the Fort Belknap Indian Reservation. The pipeline would cross less than 100 miles from the headquarters of the Fort Belknap Indian Reservation and run directly through sacred and historic sites as well as the ancestral lands of the Gros Ventre and Assiniboiné Tribes. In South Dakota, the pipeline would cross through Tripp County, just miles from the boundaries of the Rosebud Indian Reservation and within yards of Rosebuds trust lands and tribal members allotments. These lands are well within the area of impact for even a small rupture and spill. There are countless historical, cultural, and religious sites in the planned path of the pipeline that are at risk of destruction, both by the pipeline's construction and by the threat of inevitable ruptures and spills if the pipeline becomes operational. Additionally, the Rosebud Sioux Tribe operates its own water delivery system, which is part of the Mni Wiconi Rural Water Supply Project. The pipeline would cross the two sources of water for the Mni Wiconi Project.

Despite all of these facts, throughout the permitting process, there was no analysis of trust obligations, no analysis of treaty rights, no analysis of the potential impact on hunting and fishing rights, no analysis of potential impacts on the Rosebud Sioux Tribes' unique water system, no analysis of the potential impact of spills on tribal citizens, and no analysis of the potential impact on cultural sites in the path of the pipeline, which is in violation of the NEPA and the NHPA.

William Kindle, who was president of the Rosebud Sioux Tribe in August 2018 when the Tribal Council authorized NARF to finalize and file this lawsuit, stated at that time that, As President of the Rosebud Sioux Tribe, I want to make it perfectly clear, and give fair warning to President Trump, Secretary Zinke, The United States Army Corps of Engineers, TransCanada and their financial backers and potential investors, South Dakota Governor Dugaard, Representative Noem, and Senators Thune and Rounds that the Rosebud Sioux Tribe opposes the construction of the Keystone XL pipeline. Through our attorneys the Native American Rights Fund the Rosebud Sioux Tribe will use all means available to fight in the courtroom this blatant trespass into *Sicangu Lakota* territory.

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About the Rosebud Sioux Tribe: The Rosebud Indian Reservation was established in 1889 by the United States' partition of the Great Sioux Reservation. Created in 1868 by the Treaty of Fort Laramie, the Great Sioux Reservation historically covered all of West River, South Dakota (the area west of the Missouri River), as well as part of northern Nebraska and eastern Montana. Also known as the *Sicangu Oyate*, the Rosebud Sioux Tribe has almost 35,000 members, many of whom reside in the area that will be crossed by the pipeline, including in Tripp County, South Dakota.

About the Fort Belknap Indian Community: The Fort Belknap Indian Reservation is homeland to the Assiniboiné (*Nakoda*) and Gros Ventre (*Aaniiih*) Tribes. Fort Belknap Indian Reservation was created by an Act of Congress on May 1, 1888, and the Fort Belknap Agency was established at its present location, four miles southeast of the present township of Harlem, Montana. It is the fourth largest Indian reservation in Montana. The Fort Belknap Indian Community Council is recognized as the governing body of the Fort Belknap Reservation and the 7,000 tribal citizens.

About NARF: The [Native American Rights Fund](#) is the oldest and largest nonprofit national Indian rights legal services organization in the country. Since its inception in 1970, NARF has represented over 275 Tribes in 31 states in such areas as tribal jurisdiction and

recognition, land claims, hunting and fishing rights, the protection of Indian religious freedom, and many others. This legal advocacy on behalf of Native Americans continues to play a vital role in the survival of tribes and their way of life.

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Cultural Survival envisions a future that respects and honors Indigenous Peoples' inherent rights and dynamic cultures, deeply and richly interwoven in lands, languages, spiritual traditions, and artistic expression, rooted in self-determination and self-governance.

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