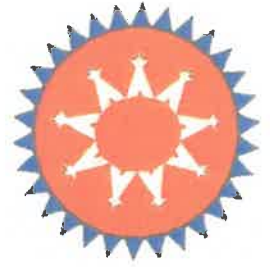




# Oglala Sioux Tribe

P.O. Box 2070, Pine Ridge, S.D. 57770  
Direct: 605-867-8468 - Cell Phone: 605-407-0502  
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Office of the Secretary  
Stacy L. Two Lance

May 21, 2021

Golden West Telecommunications  
Bekki Reinert, ROW Specialist  
PO Box 411  
415 Crown Street  
Wall, SD 57709

Dear Ms. Reinert,

The Oglala Sioux Tribe Executive Committee met today, May 21, 2021 in Special Session and upon recommendation of the OST Land Committee, took action to approved the attached resolution:

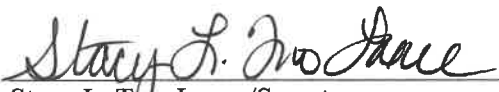
Resolution No. 21-33XB –

Motion made by Justin Pourier, seconded by Stacy Two Lance to adopt the proposed resolution entitled, “Resolution of the Executive Committee of the Oglala Sioux Tribe Amending Resolution No. 21-28XB Regarding Golden West’s Activities on the Pine Ridge Reservation.

Motion Carried Unanimously (4) Yes.

A copy of Resolution No. 21-28XB is also attached for your review. Please contact me if you have any questions. Thank you.

Sincerely,

  
\_\_\_\_\_  
Stacy L. Two Lance/Secretary  
Oglala Sioux Tribe

cc: File  
OST Legal  
OST Council  
OST Executive Committee  
OST Land Committee  
Superintendent, Bureau of Indian Affairs/Pine Ridge Agency

RESOLUTION NO. 21-33XB

RESOLUTION OF THE EXECUTIVE COMMITTEE  
OF THE OGLALA SIOUX TRIBE  
(An Unincorporated Tribe)

RESOLUTION OF THE EXECUTIVE COMMITTEE OF THE OGLALA SIOUX TRIBE AMENDING RESOLUTION NO. 21-28XB REGARDING GOLDEN WEST'S ACTIVITIES ON THE PINE RIDGE RESERVATION.

WHEREAS, the Oglala Sioux Tribe adopted its Constitution and By-laws by referendum vote on December 14, 1935, in accordance with the Indian Reorganization Act of 1934, and under Article III of the Oglala Sioux Tribe Constitution, the Oglala Sioux Tribal Council is the governing body of the Oglala Sioux Tribe, and

WHEREAS, the Oglala Sioux Tribe Constitution at Article XIII, Section 6, authorizes the Executive Committee of the Oglala Sioux Tribe to act on behalf of the Oglala Sioux Tribal Council when the Tribal Council is not in session, and it further provides that the Executive Committee shall be in charge of all routine matters that arise between sessions of the Tribal Council, and

WHEREAS, the Oglala Sioux Tribal Council is not in session, and

WHEREAS, the Executive Committee of the Oglala Sioux Tribe enacted Resolution No. 21-28XB on May 6, 2021, ORDERING GOLDEN WEST TO DOCUMENT ITS ASSERTED AUTHORITY TO OPERATE ON THE PINE RIDGE INDIAN RESERVATION, ORDERING GOLDEN WEST NOT TO SEEK ADDITIONAL RIGHTS OF WAY OR EASEMENTS ON THE RESERVATION WITHOUT LAND COMMITTEE AUTHORIZATION, DENYING GOLDEN WEST REQUEST TO WAIVE PAYMENT OF BOND AND RIGHT-OF-WAY FEES, AND DENYING GOLDEN WEST REQUEST TO LAY VACANT DUCT, and

WHEREAS, subsequent to the enactment of Resolution No. 21-28XB, Golden West Telecommunications ("Golden West") informed the Tribe that Resolution No. 21-28XB is preventing it from fulfilling pending customer service orders on the Pine Ridge Indian Reservation and requested that it be allowed to proceed with completing the service orders that are "ready for construction" as set forth in the attached table provided by Golden West, and

WHEREAS, Golden West also asked the Oglala Sioux Tribe if Resolution No. 21-28XB would prevent Golden West from fixing a broken line, and

RESOLUTION NO. 21-33XB

Page Two

WHEREAS, the Oglala Sioux Tribe would like to see its tribal members and others on the Reservation connected with broadband to meet their needs, however, the Land Committee's position is that the Tribe, as a sovereign Tribal nation with government responsibilities, must conduct its due diligence with Golden West to serve the best interest of its members and be the steward of the Tribe's lands, and that the actions that the Tribe has taken with Resolution No. 21-28XB align with the Tribe's sovereign and good governance responsibilities and are in the best interest of its members and its lands, and

WHEREAS, the Oglala Sioux Tribe Land Committee has considered Golden West's request and question, and believes that it is in the best interest of the Tribe and its citizens to only allow specific and limited work on (1) the thirty-seven (37) pending customer service orders that are ready for construction as set forth in the attached table provided by Golden West and (2) routine repairs of Golden West's equipment that is located on the Pine Ridge Reservation, provided Golden West comply with certain conditions to ensure that the Tribe has the proper information concerning the work to be conducted and Golden West's authority to do said work, and

WHEREAS, the Executive Committee agrees with the position and approach of the Oglala Sioux Tribe Land Committee and desires to reaffirm Resolution No. 21-28XB, with slight amendments, now

THEREFORE BE IT RESOLVED, that the Executive Committee of the Oglala Sioux Tribe hereby adds the following resolved clauses to the end of Resolution 21-28XB:

BE IT FURTHER RESOLVED, that the Executive Committee of the Oglala Sioux Tribe hereby allows Golden West to perform:

- (1) the limited and specific work on the Pine Ridge Indian Reservation to complete the thirty-seven (37) pending customer service orders that are "ready for construction" as set forth in the attached table provided by Golden West on the understanding that this work consists of routine hookups of customers who ordered service prior to the enactment of Resolution No. 21-28XB; and
- (2) routine repairs of Golden West's equipment that is located on the Pine Ridge Reservation, provided prior to commencing any such work, Golden West must:
  1. provide the Oglala Sioux Tribe Land Committee all rights-of-way, easements, and service line agreements related to such work and any other documentation that sets forth Golden West's authority to conduct such work;


2. obtain and provide to the Oglala Sioux Tribe Land Committee copies of all required licenses and other documentation to conduct such work on the Pine Ridge Indian Reservation; and
3. comply with all laws of the Oglala Sioux Tribe, and
4. for the aforementioned routine repairs, provide the Oglala Sioux Tribe Land Committee 24-hour written notice of when Golden West plans to commence such work and in the case of an emergency repair, provide the Oglala Sioux Tribe President and Land Committee Chairman notice by email as soon as possible upon Golden West learning of said emergency;

and,

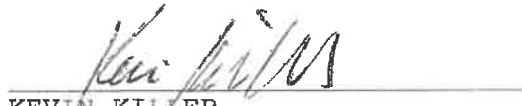
BE IT FURTHER RESOLVED, that nothing in this resolution affects or amends Resolution No. 21-28XB in any other manner.

C-E-R-T-I-F-I-C-A-T-I-O-N

I, as undersigned Secretary of the Executive Committee of the Oglala Sioux Tribe, hereby certify that this Resolution was adopted by the vote of: 4 For; 0 Against; 0 Abstain, and 0 Not Voting during a SPECIAL SESSION held on the 21TH day of MAY, 2021.

  
STACY I. TWO LANCE  
Secretary  
Oglala Sioux Tribe

A-T-T-E-S-T:

  
KEVIN KILLIER  
President  
Oglala Sioux Tribe



RESOLUTION OF THE EXECUTIVE COMMITTEE  
OF THE OGLALA SIOUX TRIBE  
(An Unincorporated Tribe)

RESOLUTION OF THE EXECUTIVE COMMITTEE OF THE OGLALA SIOUX TRIBE ORDERING GOLDEN WEST TO DOCUMENT ITS ASSERTED AUTHORITY TO OPERATE ON THE PINE RIDGE INDIAN RESERVATION, ORDERING GOLDEN WEST NOT TO SEEK ADDITIONAL RIGHTS OF WAY OR EASEMENTS ON THE RESERVATION WITHOUT LAND COMMITTEE AUTHORIZATION, DENYING GOLDEN WEST REQUEST TO WAIVE PAYMENT OF BOND AND RIGHT-OF-WAY FEES, AND DENYING GOLDEN WEST REQUEST TO LAY VACANT DUCT.

WHEREAS, the Oglala Sioux Tribe adopted its Constitution and By-laws by referendum vote on December 14, 1935, in accordance with the Indian Reorganization Act of 1934, and under Article III of the Oglala Sioux Tribe Constitution, the Oglala Sioux Tribal Council is the governing body of the Oglala Sioux Tribe, and

WHEREAS, the Oglala Sioux Tribe Constitution at Article XIII, Section 6, authorizes the Executive Committee of the Oglala Sioux Tribe to act on behalf of the Oglala Sioux Tribal Council when the Tribal Council is not in session, and it further provides that the Executive Committee shall be in charge of all routine matters that arise between sessions of the Tribal Council, and

WHEREAS, the Oglala Sioux Tribal Council is not in session, and

WHEREAS, on January 14, 2021 Golden West Telecommunications ("Golden West") requested that the Tribe waive bond and right-of-way payment for Golden West to lay fiber optic lines on the Pine Ridge Indian Reservation as part of its fiber-to-the-home project and requested that the Tribe authorize Golden West to lay vacant duct to homes, businesses, and schools, and

WHEREAS, on April 20, 2021 the Land Committee and the President requested that Golden West Telecommunications ("Golden West") stop work on the Pine Ridge Indian Reservation pending resolution of questions and concerns regarding Golden West's operations, and

WHEREAS, on April 26, 2021 the Land Committee met with Golden West representatives and requested that Golden West representatives meet with the OST Spectrum Project on April 29, 2021 to resolve further questions regarding Golden West's operations, and

WHEREAS, the OST Spectrum Project requested that Golden West come prepared to the April 29, 2021 meeting with maps of where Golden West is operating on the Pine Ridge Indian Reservation and with an estimate for the amount of fees for which Golden West was seeking a waiver, and Golden West did not comply with either of these requests, and

WHEREAS, the Oglala Sioux Tribe (OST) Land Committee of the Tribal Council has concerns regarding Bureau of Indian Affairs approvals of easements, rights-of-way, and service line agreements on the Pine Ridge Indian Reservation, including their valuation and duration, and

WHEREAS, the OST Land Committee found it in the best interest of the Tribe to order Golden West, prior to returning to work on the Reservation, to provide documentation within ten (10) days of its authority to operate on the Pine Ridge Indian Reservation by providing a kmz-format map of its infrastructure on the Reservation; all easements, rights-of-way, and service line agreements on the Reservation, and evidence of its project being fully bonded, and

WHEREAS, the OST Land Committee found it in the best interest of the Tribe that Golden West not seek additional easements, rights-of-way, or service line agreements on the Reservation without authorization from the Tribe, and

WHEREAS, the OST Land Committee found it in the best interest of the Tribe to deny Golden West's request to waive bond payment because the bond protects the Tribe's land and interests in the event that Golden West or its contractors cause damage during their operations, and

WHEREAS, the OST Land Committee found it in the best interest of the Tribe to deny Golden West's request to waive right-of-way payment or other fees because the fee-waiver impact on the Tribe's budget is unknown due to Golden West's refusal to provide an estimate, and

WHEREAS, the OST Land Committee found it in the best interest of the Tribe to deny Golden West's request to lay vacant duct because the process of applying for and securing service line agreements helps the Tribe monitor and document operations on the Tribe's lands and is important to securing the Tribe's rights when granting authority to operate on the Tribe's lands; now

THEREFORE BE IT RESOLVED, that the Executive Committee of the Oglala Sioux Tribe orders Golden West, prior to returning to work on the Pine Ridge Indian Reservation, to furnish to the Oglala Sioux Tribe Spectrum Project within ten (10) days a kmz-format map of its infrastructure on the Reservation; all easements, rights-of-way, and service line agreements on the Reservation; and evidence that Golden West's fiber-to-the-home is fully bonded, and

BE IT FURTHER RESOLVED that the Executive Committee of the Tribe directs that all work that Golden West conducts, when it is authorized by the Tribe to continue work again, is confined to the territory of the existing easements, rights of way, and service line agreements and within

the scope of activities permitted under those land-use authorizations, and

BE IT FURTHER RESOLVED, the Executive Committee of the Tribe directs that the Oglala Sioux Tribe Spectrum Project, Land Department, Utilities Director, and attorneys analyze the kmz-format map and easements, rights-of-way, and service line agreements and any other information Golden West provides to the Oglala Sioux Tribe Spectrum Project or Tribe and provide the Land Committee recommendations about further actions related to Golden West's project, and

BE IT FURTHER RESOLVED, that the Executive Committee of the Tribe instructs Golden West not to seek any additional easements, rights-of-way, or service line agreements on the Reservation without authorization from the Tribe, and

BE IT FURTHER RESOLVED, that Golden West's request to waive bond and right-of-way payment is hereby DENIED, and

BE IT FURTHER RESOLVED, that Golden West's request to lay vacant duct on the Reservation is hereby DENIED, and

BE IT FURTHER RESOLVED, that nothing in this resolution grants Golden West any authority it does not otherwise have under duly executed and approved existing easements, rights of way, or service line agreements, and

BE IT FURTHER RESOLVED, that Golden West's activities on the Pine Ridge Indian Reservation are subject to the jurisdiction of the Oglala Sioux Tribe, and

BE IT FURTHER RESOLVED, that the Oglala Sioux Tribe Spectrum Project is authorized to initiate consultation with the Federal Communications Commission on this matter.

C-E-R-T-I-F-I-C-A-T-I-O-N

I, as undersigned Secretary of the Executive Committee of the Oglala Sioux Tribe, hereby certify that this Resolution was enacted by a vote of: 4 For; 0 Against; 0 Abstain; and 0 Not Voting; during a SPECIAL SESSION held on the 6<sup>TH</sup> Day of MAY 2021.

RESOLUTION NO. 21-28XB  
Page Four

*Stacy L. Two Lance*

STACY L. TWO LANCE  
Secretary  
Oglala Sioux Tribe

A-T-T-E-S-T:

*Kevin Killer*

KEVIN KILLER  
President  
Oglala Sioux Tribe

