



STATE OF SOUTH DAKOTA
OFFICE OF THE GOVERNOR

KRISTI NOEM | GOVERNOR

May 12, 2020

The Honorable Harold Frazier
Chairman, Cheyenne River Sioux Tribe
PO Box 590
Eagle Butte, South Dakota 57625

Dear Chairman Frazier,

I received your statement dated May 8, 2020 responding to my letter earlier in the day stating the objections of the State of South Dakota to the Cheyenne River Sioux Tribe's checkpoints. Thank you for your response, and your agreement that we work together in confronting this crisis with "science and facts".

I continue to want our governments to work together cooperatively, and believe we can both accomplish our goals. As we combat this pandemic, I am proposing a plan that respects tribal sovereignty, federal law and state sovereignty as well. The three part plan is as follows:

- A. **US/State Highways: no tribal checkpoints.** No one entering or traveling on a US or State highway will be stopped or impeded. This traffic is otherwise passing through the reservation and tribal interaction with these travelers at checkpoints is unlawful and could actually increase the risk of spreading the virus on the reservation.
- B. **Tribal/BIA roads: checkpoints acceptable.** I understand and support your desire to protect your people, and it is within your tribal sovereignty to establish checkpoints on BIA/tribal roads. To be clear, the state has no objection to tribal checkpoints on BIA/tribal roads.

This means that anyone turning off a US or State Highway for a destination within your reservation could be subject to a tribal checkpoint.

- C. **South Dakota requests for reasonable tribal checkpoint accommodations.** If you decide to operate tribal checkpoints on BIA/tribal roads, the State of South Dakota is asking you to make reasonable accommodations for the good of your own people. This would include access for all people to permit emergency services, delivery of food, energy and medical supplies, and access to private property within the reservation.

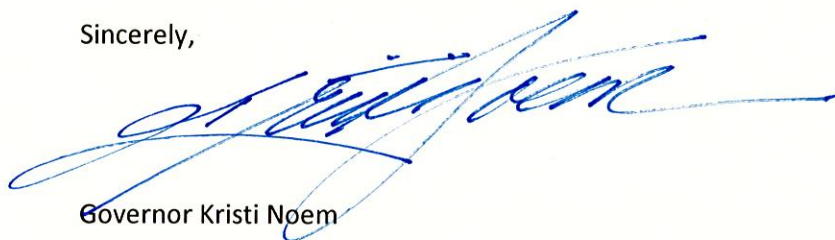
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We want to work with you on this and understand these restrictions will need to vary based on science, data and facts.

I ask that you immediately adjust your policies as they apply to the public entering or traveling through your reservation on US/State Highways ("A" above), and let's talk on how we can work together on "C".

We both want what is best for South Dakota and all of its residents (both tribal and non-tribal) in this fight against COVID-19, and I believe this is a reasonable pathway forward. Please contact me if you are willing to find a way forward given my position.

Sincerely,



Governor Kristi Noem

cc. Director, Daryl LaCounte, Bureau of Indian Affairs
U.S. Senator John Thune
U.S. Senator Mike Rounds
U.S. Representative Dusty Johnson