

No. 26-_____

In the
Supreme Court of the United States

HAZEN HUNTER WINCKLER,
Petitioner,

v.

STATE OF SOUTH DAKOTA,
Respondent.

**On Petition for Writ of Certiorari to the
Supreme Court of South Dakota**

**PETITIONER'S APPENDIX
VOLUME 5
APP. C-1 – Exhibits 3, 12, 13, 16, 17 & 21**

Tucker J. Volesky
Counsel of Record
305 N. Kimball
Mitchell, SD 57301
(605) 996-5542
tucker.volesky@
tuckervoleskylaw.com
Counsel for Petitioner

INDEX TO APPENDICES

Appendix A:

- App. A-1 – South Dakota Supreme Court Judgment and Opinion in *State v. Winckler*, 2026 S.D. 19
- App. A-2 – South Dakota Circuit Court Memorandum Decision (Jurisdiction), *State v. Winckler*
- App. A-3 – Transcript of Motions Hearing on Motions to Dismiss regarding Jurisdiction, *State v. Winckler*, held before the State Circuit Court on September 11, 2024 (including parties' stipulations)
- App. A-4 – South Dakota Supreme Court Opinion in *Bruguier v. Class*, 1999 S.D. 122, 599 N.W.2d 364

Appendix B:

- App. B-1 – Treaty of Apr. 19, 1858, 11 Stat. 743
- App. B-2 – Act of Aug. 15, 1894, ch. 290, 28 Stat. 286, 314-319
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- App. B-4 – 25 U.S.C. §§ 2 & 13
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- App. B-6 – 20 U.S.C. §§ 7701 et seq
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- App. B-8 – 25 U.S.C. §§ 1901 et seq
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- App. B-10 – YST, Title II, Rule 33
- App. B-11 – 25 U.S.C. § 177
- App. B-12 – 25 Stat. 676

Appendix C:

- App. C-1 – Affidavit of Tucker J. Volesky, filed in *State v. Winckler* with exhibits:
 - Exhibit 3, United States Trust Patent dated May 8, 1891, filed with the Register of Deeds in Charles Mix County on December 2, 1903
 - Exhibit 12, U.S. Department of Commerce, 2020 U.S. Census Tribal Tract Map: Yankton Reservation
 - Exhibit 13, U.S. Department of Interior, Indian Affairs webpage, Yankton Agency
 - Exhibit 16, Letter from Yankton Sioux Tribe Chairman to United States Department of Interior, enclosing Protocols for Consultation with the Yankton Sioux Tribe
 - Exhibit 17, Argus Leader article titled, “*State says no to Yankton Sioux Tribe’s ask for National Guard help with flooding,*” published Sept. 24, 2019
 - Exhibit 21, Application and Grant Agreement between U.S. Department of Transportation and the Yankton Sioux Tribe, March 2021
 - Exhibit 22, Yankton Sioux Tribe Comprehensive Economic Development Strategy, September 2022
 - Exhibit 23, South Dakota Searchlight article titled, “*Homicide investigation sparks rare level of state-tribal cooperation,*” published May 31, 2024
- App. C-2 – Affidavit of Chelsea Wenzel, filed in *State v. Winckler* with exhibits:
 - State’s Exhibit F, Andes Central School District#11-1, Indian Policies and Procedures (IPP) Impact Aid Program

Appendix D:

- App. D-1 – 2020 Census Tribal Tract Map: Yankton Reservation
- App. D-2 – 2020 Census Tribal Block Groups, Form G-600

STATE OF SOUTH DAKOTA)
: SS
COUNTY OF CHARLES MIX

IN CIRCUIT COURT

FIRST JUDICIAL CIRCUIT

FILED

JUN 26 2024

11CR24-000060
11CR24-000085

STATE OF SOUTH DAKOTA)

Jerry Roberts
CHARLES MIX COUNTY CLERK OF COURTS
FIRST JUDICIAL CIRCUIT COURT OF SD

Plaintiff,)

vs.)

HAZEN WINCKLER,)

Defendant.)

AFFIDAVIT OF TUCKER J. VOLESKY

COUNTY OF BEADLE)

:SS

STATE OF SOUTH DAKOTA)

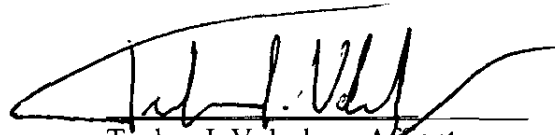
Tucker J. Volesky, being first duly sworn upon oath, deposes and states as follows:

1. I have been appointed to represent the Defendant above named and make this affidavit in support of his Motion to Dismiss upon information and materials from public sources.
2. That attached hereto as Exhibit 1 is the Treaty between the Yankton Sioux Tribe and the United States, April 19, 1858, 11 Stat. 743.
3. That attached hereto as Exhibit 2 is the General Allotment Act (also known as the Dawes Act), ch. 119, 24 Stat. 388 (1887).
4. That attached hereto as Exhibit 3 is the Trust Patent dated May 8, 1891, and recorded December 2, 1903.
5. That attached hereto as Exhibit 4 is the Act of August 15, 1894, ch. 290, 28 Stat. 286, which ratified the 1892 cession agreement between the Yankton Sioux Tribe and the United States.
6. That attached hereto as Exhibit 5 is the Order Appointing Guardian of October 7, 1902, In the Matter of the Estate of Bessie Zitka Koyewin.
7. That attached hereto as Exhibit 6 is the Decree of Distribution of March 3, 1903, In the Matter of the Estate of John Arthur or Cetantanka.
8. That attached hereto as Exhibit 7 is the Indian Deed dated June 20, 1907.

App. C-1

9. That attached hereto as Exhibit 8 is the Order Confirming Sale of Real Estate filed January 9, 1908.
10. That attached hereto as Exhibit 9 is the Act of Congress of May 27, 1902, 32 Stat. 245.
11. That attached hereto as Exhibit 10 is the Act of Congress of February 2, 1903, 32 Stat. 793.
12. That attached hereto as Exhibit 11 is a map including Section Four, Township Ninety-five, North of Range Sixty-five, West of the Fifth Principal Meridian, Charles Mix County, South Dakota.
13. That attached hereto as Exhibit 12 is the 2020 Census Tribal Tract Map which demarcates Lake Andes as Tribal Block Group B.
14. That attached hereto as Exhibit 13 is a webpage from the United States Department of Interior, Indian Affairs, Yankton agency.
15. That attached hereto as Exhibit 14 is the Testimony of the Chairman of the Yankton Sioux Tribe from June 8, 2017.
16. That attached hereto as Exhibit 15 is the Yankton Tribe's "Comments on the Department of Interior's Proposed Revisions to Fee-to-Trust Regulations Contained at 25 CFR Part 151" dated January 12, 2018.
17. That attached hereto as Exhibit 16 is a letter from the Chairman of the Yankton Sioux Tribe to the Secretary of the United States Department of Interior dated May 30, 2018, including Protocols for Consultation with the Yankton Sioux Tribe.
18. That attached hereto as Exhibit 17 is an article from the Argus Leader published September 24, 2019, titled "State says no to Yankton Sioux Tribe's ask for National Guard help with flooding."
19. That attached hereto as Exhibit 18 is information on emergency rental assistance to Indian Tribes and Tribally Designated Housing Entities dated January 19, 2021, from the United States Department of the Treasury Emergency Rental Assistance Program.
20. That attached hereto as Exhibit 19 is a document from the United States Department of the Treasury Emergency Rental Assistance Program listing payments to various Tribes as of February 26, 2021, including \$2,853,249.59 to the Yankton Sioux Tribe.
21. That attached hereto as Exhibit 20 is a letter dated October 15, 2021, to tribal leaders from the United States Department of the Treasury.
22. That attached hereto as Exhibit 21 is a 2021 Application and Grant Agreement from the United States Department of Transportation Federal Transit Administration, which awarded federal assistance to the Yankton Sioux Tribe.

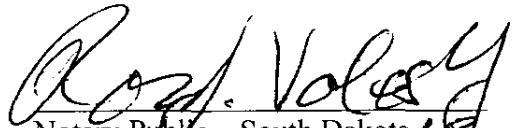
- 23. That attached hereto as Exhibit 22 is the Yankton Sioux Tribe Comprehensive Economic Development Strategy from September 2022.
- 24. That attached hereto as Exhibit 23 is an article published by South Dakota Searchlight on May 31, 2024, titled "Homicide investigations sparks rare level of state-tribal cooperation."



Tucker J. Volesky – Affiant
Attorney for the Defendant

Subscribed and sworn to before me this 18th day of June 2024.

seal



Notary Public – South Dakota
My Commission expires: 3-7-27

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing Affidavit of Tucker J. Volesky in the above-entitled matter was served through Odyssey upon the following: Charles Mix County State’s Attorney Steve Cotton, and electronically filed with the Charles Mix County Clerk of Courts through Odyssey.

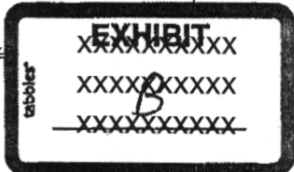
Dated this 18th day of June 2024.

/s/ Tucker J. Volesky
Tucker J. Volesky
Attorney for the Defendant

Ex. 3

JUN 26 2024

Trust Patent



CHARLES MIX COUNTY CLERK OF COURTS
FIRST JUDICIAL CIRCUIT COURT OF SD

The united States of America,

To all to Whom these presents shall come, greeting:

Whereas, There has been deposited in the General Land Office of the United States, a schedule of allotments of land, dated November 11, 1890, from the commissioner of Indian Affairs, approved by the Acting Secretary of the Interior

November 14, 1890, whereby it appears that under the provisions of the Act of Congress approved February 8, 1887, (24 Stat., 388,) -

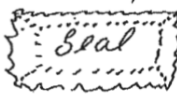
John Arthur or Cetantanka, an Indian of the Yankton Sioux tribe or band, has been allotted the following described land, to-wit:

The East half of the south West quarter and the West half of the South West quarter of Section four, and the North East quarter of the South East quarter of section five in Township ninety-six North of Range sixty-five West of the Fifth Principal Meridian in South Dakota, containing two hundred acres,

Now Know Ye, That the United States of America, in consideration of the premises and in accordance with the provisions of the fifth section of said Act of Congress of the 9th February, 1887, Thereby Declares: - that it does and will hold the land thus allotted (subject to all the restrictions and conditions contained in said fifth section) for the period of twenty-five years, in trust for the sole use and benefit of the said John Arthur or Cetantanka,

or in case of his decease, for the sole use of his heirs, according to the laws of the State or Territory where such land is located, and that at the expiration of said period the United States will convey the same by patent to said Indian, or his heirs, as aforesaid, in fee, discharged of said trust and free of all charge or incumbrance whatsoever; Provided, That the President of the United States may, in his discretion, extend the said period.

In testimony whereof, I, Benjamin Harrison, President of the United States of America, have caused these letters to be made Patent and the Seal of the General Land Office to be hereunto affixed.



Given Under my hand at the City of Washington, this eighth day of May, in the year of our Lord one thousand and eight hundred and ninety-one, and of the Independence of the United States the one hundred and fiftieth.

By The President: Benjamin Harrison.

My Callie Macfarland Asst. Secretary.

J. W. Townsend

Recorder of the General Land Office.

Recorded vol. 5, p. 273,

I certify the within instrument was filed for record the 26th day of Dec. 1908 at 11 o'clock A.M. and recorded in Book 16 of Deeds on Page 449

Exhibit 3

Ex. 12

JUN 26 2024

Jerry Roberts
CHARLES MIX COUNTY CLERK OF COURTS
FIRST JUDICIAL CIRCUIT COURT OF SD

2020 CENSUS - TRIBAL TRACT MAP (INDEX) - Yankton Reservation



Legend

Symbol	Description
.....	Unincorporated Area
.....	Indian Reservation
.....	Water
.....	Highway
.....	Railroad
.....	Other

Map Information

Map Date: 2020
 Map Scale: 1:250,000
 Map Projection: NAD 83 UTM Zone 16N
 Map Datum: NAD 83
 Map Contour Interval: 10 Feet
 Map Contour Elevation: 1000 Feet
 Map Contour Interval: 10 Feet
 Map Contour Elevation: 1000 Feet

2. SOURCE: U.S. DEPARTMENT OF COMMERCE, ECONOMIC RESEARCH SERVICE, 1997. SOURCE: U.S. DEPARTMENT OF COMMERCE, ECONOMIC RESEARCH SERVICE, 1997.

3. SOURCE: U.S. DEPARTMENT OF COMMERCE, ECONOMIC RESEARCH SERVICE, 1997. SOURCE: U.S. DEPARTMENT OF COMMERCE, ECONOMIC RESEARCH SERVICE, 1997.

4. SOURCE: U.S. DEPARTMENT OF COMMERCE, ECONOMIC RESEARCH SERVICE, 1997. SOURCE: U.S. DEPARTMENT OF COMMERCE, ECONOMIC RESEARCH SERVICE, 1997.

5. SOURCE: U.S. DEPARTMENT OF COMMERCE, ECONOMIC RESEARCH SERVICE, 1997. SOURCE: U.S. DEPARTMENT OF COMMERCE, ECONOMIC RESEARCH SERVICE, 1997.

6. SOURCE: U.S. DEPARTMENT OF COMMERCE, ECONOMIC RESEARCH SERVICE, 1997. SOURCE: U.S. DEPARTMENT OF COMMERCE, ECONOMIC RESEARCH SERVICE, 1997.

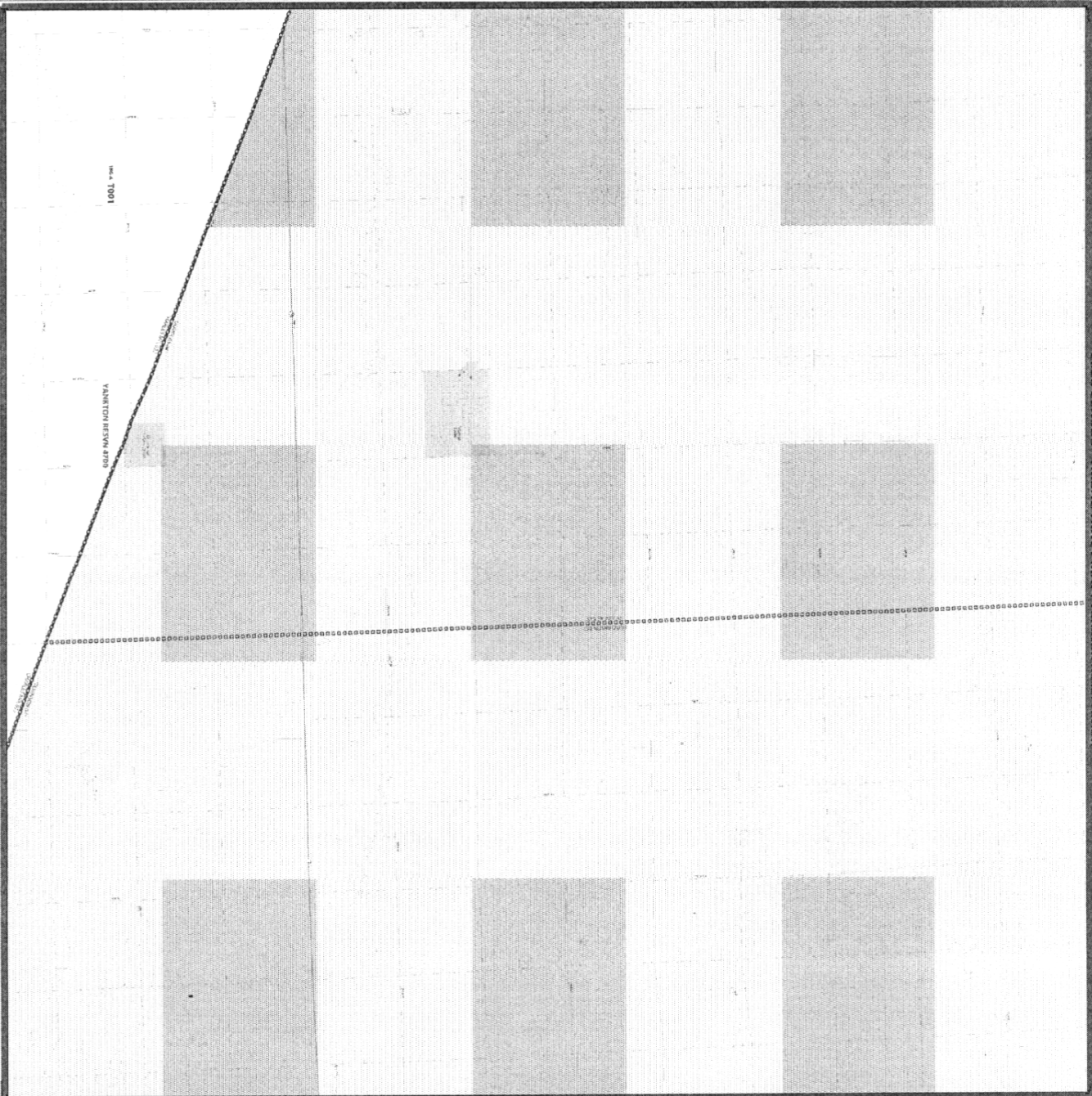
7. SOURCE: U.S. DEPARTMENT OF COMMERCE, ECONOMIC RESEARCH SERVICE, 1997. SOURCE: U.S. DEPARTMENT OF COMMERCE, ECONOMIC RESEARCH SERVICE, 1997.

8. SOURCE: U.S. DEPARTMENT OF COMMERCE, ECONOMIC RESEARCH SERVICE, 1997. SOURCE: U.S. DEPARTMENT OF COMMERCE, ECONOMIC RESEARCH SERVICE, 1997.

9. SOURCE: U.S. DEPARTMENT OF COMMERCE, ECONOMIC RESEARCH SERVICE, 1997. SOURCE: U.S. DEPARTMENT OF COMMERCE, ECONOMIC RESEARCH SERVICE, 1997.

Exhibit 12

2020 CENSUS - TRIBAL TRACT MAP - Yankton Reservation



THE INFORMATION CONTAINED ON THIS MAP WAS DERIVED FROM THE 2020 CENSUS AND IS SUBJECT TO THE FOLLOWING DISCLAIMERS:
 1. THE BOUNDARIES SHOWN ON THIS MAP ARE NOT GUARANTEED BY THE BUREAU OF INDIAN AFFAIRS.
 2. THE BUREAU OF INDIAN AFFAIRS DOES NOT WARRANT THE ACCURACY OF THE INFORMATION CONTAINED ON THIS MAP.
 3. THE BUREAU OF INDIAN AFFAIRS DOES NOT WARRANT THE COMPLETENESS OF THE INFORMATION CONTAINED ON THIS MAP.
 4. THE BUREAU OF INDIAN AFFAIRS DOES NOT WARRANT THE TIMELINESS OF THE INFORMATION CONTAINED ON THIS MAP.
 5. THE BUREAU OF INDIAN AFFAIRS DOES NOT WARRANT THE LEGALITY OF THE INFORMATION CONTAINED ON THIS MAP.
 6. THE BUREAU OF INDIAN AFFAIRS DOES NOT WARRANT THE VALIDITY OF THE INFORMATION CONTAINED ON THIS MAP.
 7. THE BUREAU OF INDIAN AFFAIRS DOES NOT WARRANT THE RELIABILITY OF THE INFORMATION CONTAINED ON THIS MAP.
 8. THE BUREAU OF INDIAN AFFAIRS DOES NOT WARRANT THE USEFULNESS OF THE INFORMATION CONTAINED ON THIS MAP.
 9. THE BUREAU OF INDIAN AFFAIRS DOES NOT WARRANT THE SUFFICIENCY OF THE INFORMATION CONTAINED ON THIS MAP.
 10. THE BUREAU OF INDIAN AFFAIRS DOES NOT WARRANT THE ACCURACY, COMPLETENESS, TIMELINESS, LEGALITY, VALIDITY, RELIABILITY, OR USEFULNESS OF THE INFORMATION CONTAINED ON THIS MAP.

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U.S. BUREAU OF INDIAN AFFAIRS
 2020 CENSUS

2020 CENSUS - TRIBAL TRACT MAP - Yankton Reservation

TRACT NUMBER	TRACT NAME	TRACT AREA (SQ. MI.)	TRACT PERCENTAGE
1001	YANKTON RESERVATION	100.00	100.00

TRACT 1001
 YANKTON RESERVATION

TRACT 1001
 YANKTON RESERVATION

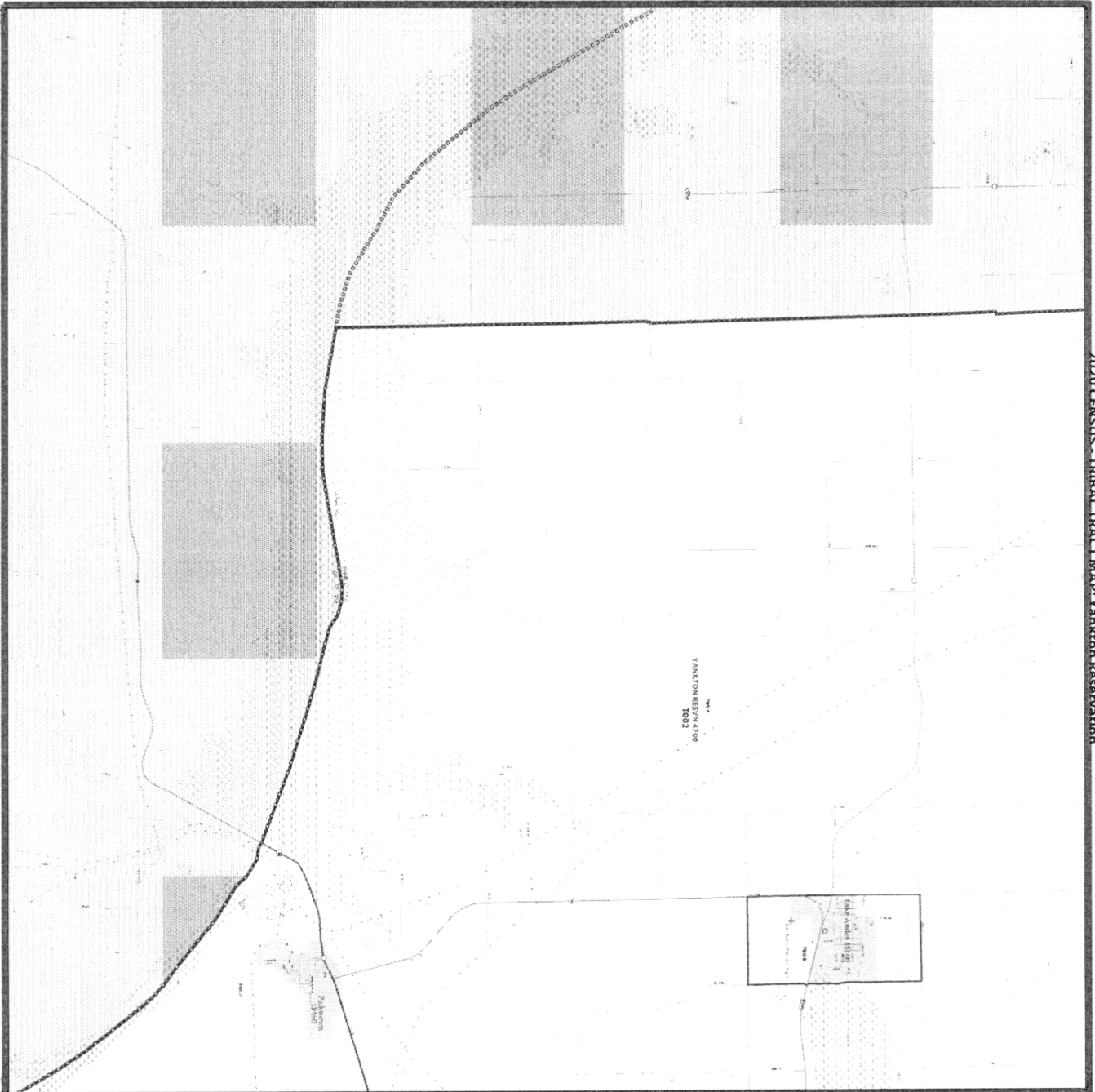
TRACT AREA COMMENTS ON MAP SHEET

TRACT NUMBER	TRACT NAME	TRACT AREA (SQ. MI.)	TRACT PERCENTAGE
1	YANKTON RESERVATION	100.00	100.00



U.S. BUREAU OF INDIAN AFFAIRS
 2020 CENSUS

2020 CENSUS - TRIBAL TRACT MAP, Yankton Reservation



YANKTON RESERVATION 7002
 Little Auklet 4500

Scale: 1 inch = 1 mile
 0 1 2 3 4 5 6 7 8 9 10

U.S. DEPARTMENT OF THE INTERIOR
 BUREAU OF LAND MANAGEMENT
 2020 Census

LEGEND

SYMBOL	DESCRIPTION
000000	UNDEVELOPED LAND
000001	WATER
000002	WATER
000003	WATER
000004	WATER
000005	WATER
000006	WATER
000007	WATER
000008	WATER
000009	WATER
000010	WATER
000011	WATER
000012	WATER
000013	WATER
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000098	WATER
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000100	WATER

PROJECT MAPS CONTAINS ON MAP SHEET

YANKTON RESERVATION 7002

Little Auklet 4500

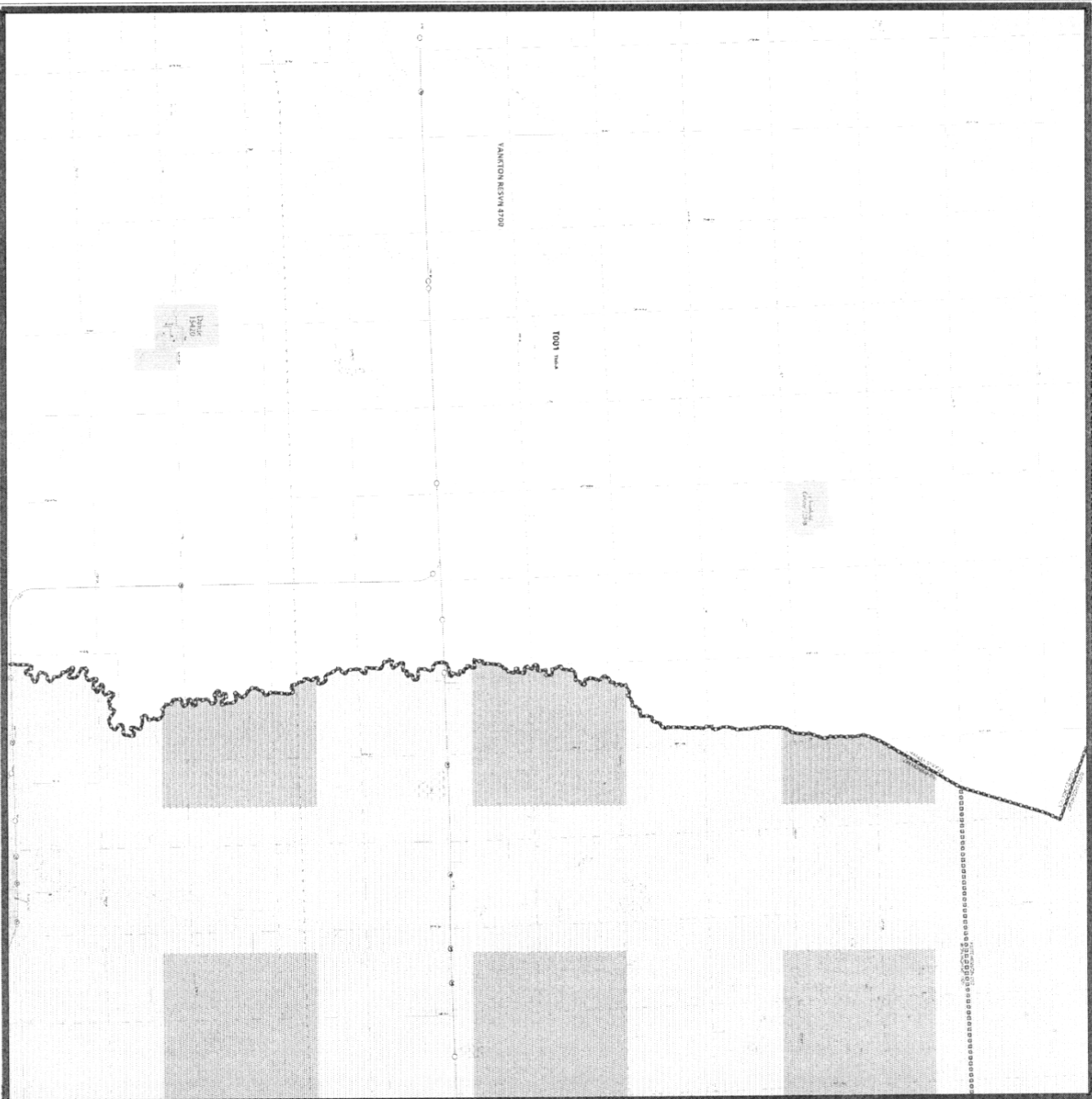
Key to Address Sheet

1	2
4	5
7	

State Location within South Dakota

U.S. DEPARTMENT OF THE INTERIOR
 BUREAU OF LAND MANAGEMENT
 2020 Census

2020 CENSUS - TRIBAL TRACT MAP - Yankton Reservation



1. THE INFORMATION ON THIS MAP WAS OBTAINED FROM THE 2020 CENSUS OF THE UNITED STATES, CONDUCTED BY THE U.S. DEPARTMENT OF COMMERCE, BUREAU OF ECONOMIC ANALYSIS, AND THE U.S. DEPARTMENT OF THE INTERIOR, BUREAU OF LAND MANAGEMENT. THE INFORMATION ON THIS MAP IS UNOFFICIAL AND IS NOT A GUARANTEE OF ACCURACY.

2. THE INFORMATION ON THIS MAP WAS OBTAINED FROM THE 2020 CENSUS OF THE UNITED STATES, CONDUCTED BY THE U.S. DEPARTMENT OF COMMERCE, BUREAU OF ECONOMIC ANALYSIS, AND THE U.S. DEPARTMENT OF THE INTERIOR, BUREAU OF LAND MANAGEMENT. THE INFORMATION ON THIS MAP IS UNOFFICIAL AND IS NOT A GUARANTEE OF ACCURACY.



U.S. DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
2020 CENSUS

LEGEND

SYMBOL	DESCRIPTION
.....	Indian Reservation Boundary
.....	Section Boundary
.....	Quarter Section Boundary
.....	Section 1
.....	Section 2
.....	Section 3
.....	Section 4
.....	Section 5
.....	Section 6
.....	Section 7
.....	Section 8
.....	Section 9
.....	Section 10
.....	Section 11
.....	Section 12
.....	Section 13
.....	Section 14
.....	Section 15
.....	Section 16
.....	Section 17
.....	Section 18
.....	Section 19
.....	Section 20
.....	Section 21
.....	Section 22
.....	Section 23
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.....	Section 25
.....	Section 26
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.....	Section 91
.....	Section 92
.....	Section 93
.....	Section 94
.....	Section 95
.....	Section 96
.....	Section 97
.....	Section 98
.....	Section 99
.....	Section 100

Key to Legend Boxes

2	3
5	6
7	8

State Location Within Nation

TRACT AREA COORDINATES ON MAP SHEET

T001

2020 CENSUS - TRIBAL TRACT MAP - Yankton Reservation



1. THIS MAP IS A PRELIMINARY MAP AND IS NOT TO BE USED FOR ANY PURPOSES OTHER THAN FOR INFORMATIONAL PURPOSES. THE BOUNDARIES SHOWN ON THIS MAP ARE NOT GUARANTEED BY THE BUREAU OF INDIAN AFFAIRS AND ARE SUBJECT TO CHANGE WITHOUT NOTICE.

2. THE BOUNDARIES SHOWN ON THIS MAP ARE BASED ON THE BEST AVAILABLE INFORMATION AND ARE NOT GUARANTEED BY THE BUREAU OF INDIAN AFFAIRS AND ARE SUBJECT TO CHANGE WITHOUT NOTICE.

3. THE BOUNDARIES SHOWN ON THIS MAP ARE BASED ON THE BEST AVAILABLE INFORMATION AND ARE NOT GUARANTEED BY THE BUREAU OF INDIAN AFFAIRS AND ARE SUBJECT TO CHANGE WITHOUT NOTICE.

4. THE BOUNDARIES SHOWN ON THIS MAP ARE BASED ON THE BEST AVAILABLE INFORMATION AND ARE NOT GUARANTEED BY THE BUREAU OF INDIAN AFFAIRS AND ARE SUBJECT TO CHANGE WITHOUT NOTICE.

LEGEND

SYMBOL	DESCRIPTION
.....	Reservation Boundary
.....	County Boundary
.....	Section Boundary
.....	Water
.....	Unimproved Land
.....	Improved Land
.....	Other

TRACT DATA SUMMARY

TRACT ID	TRACT NAME	AREA (ACRES)
T001	YANKTON RESERVATION	1,234.56
T002	YANKTON RESERVATION	1,234.56

TRACT DATA SUMMARY ON MAP SHEET

TRACT ID: T001

Key to Section Numbers

4	5	6
7	8	



U.S. DEPARTMENT OF THE INTERIOR
BUREAU OF INDIAN AFFAIRS
WASHINGTON, D.C. 20250

Ex. 13

Yankton agency

FILED

JUN 26 2024

Yert Roberts
CHARLES MIX COUNTY CLERK OF COURTS
FIRST JUDICIAL CIRCUIT COURT OF SD

Overview

8:00 A.M. – 5:00 P.M. CST

Programs and Services

Tribes Served

Agencies



South Dakota

Cheyenne River Agency

Rosebud Agency

Crow Creek Agency

Sisseton Agency

Lower Brule Agency

Yankton Agency

Pine Ridge Agency

Flandreau Santee Sioux Tribe

North Dakota

Nebraska

Contact Us

Mark Freier, Acting Superintendent

Mailing Address:

Bureau of Indian Affairs
P.O. Box 577
Wagner, South Dakota 57380

Physical Address:

Bureau of Indian Affairs
29775 S. Main St.
Wagner, South Dakota 57380

Telephone: (605) 384-3651

Telefax: (605) 384-3876

Tribes Served: Yankton Sioux Tribe and Ponca Tribe of Nebraska

Yankton Sioux Tribe

Robert Flying Hawk, Chairman
P.O. Box 1153
800 Main Street, SW
Wagner, South Dakota 57380

Telephone: (605) 384-3641

Telefax: (605) 384-5687

Trust Land Base: 36,741 acres

Estimated Tribal Enrollment: 11,594 members

Exhibit 13

Ponca Tribe of Nebraska

Rebecca Sullivan, Vice Chairwoman
P.O. Box 288
2523 Woodbine Street
Niobrara, Nebraska 68760

Telephone: (402) 857-3391

Telefax: (402) 857-3736

Trust Land Base: 819 acres

Estimated Tribal Enrollment: 2,783 members

The Yankton Sioux Tribe is located in the lower eastern part of Charles Mix County. The Tribe has approximately 11,594 members and approximately 4,600 member reside within the boundaries.

- The Ponca Tribe has approximately 2,783 members
- Recently the National Indian Gaming Commission said the Ponca Tribe could proceed with a Class II facility in the State of Iowa. The gaming site is in Carter Lake, Iowa and is 200 miles from the Ponca Tribe Headquarters in Niobrara, Nebraska. However, on January 23, 1990, when Congress passed the "Ponca Restoration Act", lawmakers defined the Tribe's service areas that included the State of Iowa. The two-part determination process, as defined by the Indian Gaming Regulatory Act, requires federal and state approval for off reservation casino. The NIGC said the two-part determination process does not apply in the Ponca case. As a restored Tribe, the Ponca Tribe's quality for an exception in IRGA that makes it easier to open casinos away from existing reservations.

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About Us

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Ex. 16

JUN 26 2024

John Roberts
CHARLES MIX COUNTY CLERK OF COURTS
FIRST JUDICIAL CIRCUIT COURT OF SD

(605) 384-3804 / 384-3641
FAX (605) 384-5687

Box 1153
Wagner, SD 57380



OFFICERS:
Robert Flying Hawk, Chairman
Jason Cooke, Vice Chairman
Glenford "Sam" Sully, Secretary
Kenny Cook, Treasurer

COUNCIL:
Greg Cournoyer Jr.
Darrell Drapeau
Pete Kazena
Perry Little
Greg Zephier Jr.

May 30, 2018

United States Department of Interior
Office of the Secretary
John Tahsuda
Principal Deputy Assistant Secretary-Indian Affairs
Washington DC 20240

RE: Meeting May 31, 2008

Mr. Tahsuda:

By this letter, the Yankton Sioux Tribe ("Tribe") is writing to confirm that the meeting scheduled for May 31, 2018, is not consultation. Pursuant to the *Ihanktonwan* Consultation *Wo'ope*. Consultation only occurs with the Tribe's General Council and any informational meeting leading up to consultation, is not consultation. The tribe considers the meeting scheduled for May 31, 2018, to be a preliminary informational session with consultation to occur at a later date.

The tribes Reality director, Sasheen Thin Elk will stand as proxy to this meeting on May 31, 2018 for myself, Chairman, Robert Flying Hawk.

Sincerely,

Robert Flying Hawk
Chairman, Yankton Sioux Tribe
Business and Claims Committee

Exhibit 16



Ihanktonwan Consultation Wo'ope

Protocols for Consultation with the Yankton Sioux Tribe

I. Purpose

The purpose of these protocols is to provide federal agencies with standards with which they must comply when engaging in consultation with the Yankton Sioux Tribe in order to ensure that consultation is meaningful and will fulfill the purpose and intent of Executive Order 13175 as well as applicable federal statutes, regulations, and agency policies, manuals, and Secretarial Orders. Consultation shall create understanding, commitment, and trust between the parties, and should be used to identify opportunities and solve problems.

II. Scope

These consultation protocols apply to any effort by a federal agency to consult with the Yankton Sioux Tribe pursuant to federal law(s), including but not limited to the National Environmental Policy Act implementing regulations (40 C.F.R. Part 1500), the National Historic Preservation Act (16 U.S.C. § 470 et seq.) and implementing regulations (36 C.F.R. Part 800), the Native American Graves Protection and Repatriation Act (25 U.S.C. § 3001 et seq.) and implementing regulations (43 C.F.R. Part 10), the American Indian Religious Freedom Act (42 U.S.C. §§ 1996 & 1996a), the Archeological Resources Protection Act of 1979 (16 U.S.C. §§ 470aa-mm), Executive Order 13175, and Executive Order 12989.

III. Protocols

A. Cultural Protocols

1. Relationship-building should be at the center of any consultation, as this is a primary cultural protocol for the Ihanktonwan. Relationship building cannot occur through just one meeting, or by telephone or email. It requires time, trust, and respect for the relationship.
2. Agencies must recognize that water is viewed as the first medicine, and it must be honored and protected. Water is vital to the spiritual practices, culture, and health of the Ihanktonwan.
3. Agencies shall respect the fact that Yankton Sioux Tribal members have experience and knowledge that makes them uniquely qualified to identify Ihanktonwan cultural resources, and shall weigh their views accordingly.



4. Agencies must recognize that certain members of the Tribe possess inherent abilities and historical knowledge passed down through generations that make those tribal members uniquely equipped and able to identify sites of spiritual, cultural, and historical interest. These skills and knowledge should be utilized through tribal surveys of areas that may be impacted by a proposed action.
5. Agencies must recognize and respect the cultural practice of speaking in a "circular" manner, which may mean that it takes time for a speaker to arrive at the ultimate point but which conveys relevant information necessary to a proper understanding of that point.
6. Elders must be respected.
7. Agencies must recognize the Ihanktonwan practice reciprocity, which means that if remains are unearthed, something must be given back in return to restore balance. There are consequences dictated by the universe for disturbing graves and remains, and this should be avoided.
8. Agencies must respect the practice of making offerings.
9. Sharing a meal at the conclusion of a meeting is customary and expected.

B. Behavioral Protocols

1. Parties shall respect each participant and respect each other's diversity.
2. Parties shall speak with respect, courtesy, dignity, care, and moderation to maintain an amicable atmosphere.
3. Parties shall avoid the use of language of dominance and/or oppression.
4. Parties shall refrain from disruptive gestures or actions.
5. Parties shall avoid tactics to induce intimidation. This includes manner of dress. Parties should dress in traditional or civilian clothing.
6. Parties shall treat everyone involved in a consultation meeting, particularly elders, with respect.
7. When an individual is speaking, all parties must refrain from interrupting that individual.
8. Parties shall not be dismissive of any statement made, but rather, shall acknowledge and value all contributions and bring them into consideration in any decision.
9. Parties shall refrain from reaching any decision until consultation has concluded and sufficient information has been exchanged.



10. Parties shall contribute and express opinions with complete freedom.
11. Parties shall carefully examine the views of others and accept valid points when made by others.
12. Parties shall focus on the subject of the consultation and avoid extraneous conversation.

C. Procedural Protocols

1. Consultation shall only include government-to-government, in-person meetings with the Tribe's General Council. Consultation shall not be conducted via telephone or written correspondence unless expressly agreed to by the Chairman of the Yankton Sioux Tribe ("Tribe") in writing.
2. A meeting shall not be considered consultation unless the relevant federal agency is represented at the meeting by an individual with decision-making authority over the proposed federal action at issue.
3. Multi-tribal or public meetings shall not be considered consultation unless expressly agreed to by the Chairman of the Tribe in writing unless the meeting is comprised exclusively of the federal agency and the Oceti Sakowin.
4. The consultation process shall commence as early as possible. Initial notification by a federal agency to the Tribe of a proposed action shall occur within two weeks of the federal agency becoming aware of the proposed action.
5. A federal agency shall contact the Chairman of the Tribe and the Ianktonwan Treaty Steering Committee for the Tribe to notify the Tribe of a proposed federal action and initiate the consultation process. If the proposed federal action is expected to impact tribal cultural, spiritual, or historical resources, the federal agency shall also contact the Tribal Historic Preservation Officer. Notification pursuant to this protocol does not constitute consultation, but merely initiates the consultation process.
6. The consultation process shall include a pre-consultation meeting at which preliminary information shall be exchanged and an overview of the proposed federal action shall be provided, to be scheduled by the Chairman of the Tribe and/or his staff.
7. During or prior to the pre-consultation meeting, the relevant federal agency shall inform the Tribe of the potential impacts on the Tribe of the proposed federal action.
8. During or prior to the pre-consultation meeting, the relevant federal agency shall inform the Tribe of which federal officials will make the final decision with respect to the proposed federal action.



9. Each consultation meeting shall be scheduled by the Chairman of the Tribe and his staff.
10. The pre-consultation meeting and consultation meetings shall be held at a time and location convenient for the Tribe.
11. Consultation meetings shall be scheduled a least thirty-five (35) days in advance to allow for adequate notice to the General Council, which is comprised of tribal members age 18 years and older and which is the governing body of the Tribe.
12. All meetings shall be opened with a prayer.
13. All meetings shall be closed with a prayer.
14. All meetings shall be followed by a meal or include a meal as part of the necessary relationship-building.
15. Consultation meetings shall not designate an end time, but shall continue until all have had an opportunity to speak.
16. The federal agency shall provide the services of a court reporter to record each consultation meeting. A transcription of each meeting shall be provided to the Tribe within ten (10) days following said consultation meeting.
17. Prior to the final consultation meeting, the parties shall mutually agree that the following consultation shall be the final consultation meeting. If agreement cannot be reached to terminate consultation after the subsequent meeting, the subsequent meeting shall not be deemed the final meeting. No party shall unreasonably withhold consent to terminate consultation, but consultation shall continue until each party is satisfied that meaningful consultation has been achieved.
18. While there is no set number of meetings required for consultation to be deemed sufficient, consultation shall consist of no less than two meetings and shall not be considered complete until the parties are satisfied that all necessary information has been adequately exchanged.



Summary of Consultation Steps:

1. Federal agency learns of proposed federal action that may affect the Yankton Sioux Tribe.
2. Federal agency promptly (within two weeks) notifies the Chairman of the Tribe and the Ithanktonwan Treaty Steering Committee (and the Tribal Historic Preservation Officer for the Tribe if the proposed action is expected to impact tribal cultural, spiritual, or historic resources) of the proposed action. The consultation process is thus initiated.
3. The Chairman and/or his staff schedules a pre-consultation meeting.
4. A pre-consultation meeting is held.
 - a. Opening Prayer
 - b. Meeting
 - c. Closing Prayer
 - d. Meal (may also occur during the midpoint of the meeting)
5. The Chairman or his staff schedules a consultation meeting.
6. A consultation meeting is held.
 - a. Opening Prayer
 - b. Meeting
 - c. Closing Prayer
 - d. Meal (may also occur during the midpoint of the meeting)
7. Federal agency provides the Chairman of the Tribe with a transcript of the consultation meeting within 10 days.
8. Repeat steps 5-7 until meaningful consultation has been fully achieved, mutually agreeing prior to the final meeting that it will be the final consultation meeting.

D. Governmental Protocols

1. Federal agencies shall respect the unique legal and political relationship between the United States and the Yankton Sioux Tribe.
2. Consultation shall be conducted in accordance with Article 19 of the United Nations Declaration on the Rights of Indigenous Peoples, which requires the "free, prior and informed consent" of an Indian tribe prior to adopting and implementing legislative or administrative measures that may affect it.
3. Consultation shall be meaningful and shall include collaboration with tribal officials.



4. The Yankton Sioux Tribe's views shall be incorporated into a federal agency's decision-making process.
5. Consultation shall be conducted and resulting agency decisions shall be made in such a way that the government-to-government relationship between the Tribe and the United States is strengthened. The Yankton Sioux Tribe shall be considered as a collaborative partner with the federal agency.
6. Federal agencies shall recognize the Yankton Sioux Tribe's right to self-government and its inherent sovereign powers. Federal agencies shall be respectful of the Tribe's sovereignty.
7. Federal agencies shall acknowledge and abide by the treaties between the United States and the Yankton Sioux Tribe.
8. Federal agency actions during and after consultation shall reflect the trust responsibility of the United States to the Yankton Sioux Tribe.

IV. Compliance

All parties shall comply with the protocols contained herein when engaging in the consultation process. Should a party fail to comply with one or more protocols, the other party shall notify the non-compliant party of the violation and the parties shall mutually agree upon a time and location for a meeting between the parties to resolve the matter. The goal of this meeting shall be to restore balance and reduce or eliminate discord by talking through the violation and reaching a mutual understanding to move forward in compliance with the protocols. Should the non-compliant party fail to participate in this meeting or fail to correct its non-compliant behavior in subsequent meetings, the other party may pursue legal remedies through enforcement of these protocols in Yankton Sioux Tribal Court.

EX. 17

POLITICS

State says no to Yankton Sioux Tribe's ask for National Guard help with flooding



Lisa Kaczke
Argus Leader

Published 3:35 p.m. CT Sept. 24, 2019

The Yankton Sioux Tribe is requesting the National Guard's assistance with flooding in the White Swan community at Lake Andes.

However, the South Dakota Department of Public Safety responded that the tribe still has other options available to help with the flooding, and Gov. Kristi Noem has said the National Guard is only to be used as a last resort.

In a letter to the tribe on Monday, Public Safety Secretary Craig Price wrote that state officials share the tribe's concern about the flooding's impact on residents and have sent state staff to Lake Andes to meet with the tribal emergency manager and U.S. Army Corps of Engineers. He noted that the tribe requested the National Guard's help in a Sept. 20 letter to Noem, but didn't specifically state the reason it needs the National Guard.

Price suspected the tribe was requesting the National Guard's help in constructing a berm to protect the White Swan community. He noted that the tribe has Bureau of Indian Affairs funding, materials, tribal equipment and personnel, local contractors, and access to state and federal technical assistance to construct the berm.

The state has provided pumps the tribe requested and raised the roads to re-establish access to Lake Andes for tribal members, according to Price.

"We are still ready to assist the Yankton Sioux Tribe to keep your tribal members safe and rebuild after flood waters recede," Price wrote.

The letters are the latest in months of flooding problems at Lake Andes. Near the Yankton Sioux Tribe's reservation, the city of Lake Andes, which has fewer than 1,000 residents, has been dealing with flooded roads and closed businesses. Lake Andes Mayor Ryan Frederick told the Argus Leader on Monday that they don't have a lot of options.

More: 'It has never been this bad': How one South Dakota city is facing the floodwaters

The tribe said that the flooding has increased with each storm since the bomb cyclone in March. Sixty of the tribe's families were impacted by the flooding, with limited access to basic life services and their homes slowly becoming inhabitable, according to the tribe. The cause of the flooding is a blocked culvert between Lake Andes and the Missouri River, according to the tribe.

The Yankton Sioux Tribe said in August that it had been waiting six months for the state to stop the flooding at Lake Andes and fix the blocked culvert.

"Our community is literally drowning due to state negligence and indifference to the health and well-being of our people," the tribe said in an Aug. 12 statement.

The tribe alleged that Noem suggested tribal residents use surplus Army tents for temporary housing while Highway 18/50 was elevated, which would bring the road grade to a level that would cut off the connecting roads and further disconnect the community from emergency services, basic living necessities, jobs and schools.

Noem visited the Yankton Sioux Tribe's housing development in July to see the flooding firsthand and discuss the culvert issue with tribal officials. Since then, state officials have worked with FEMA to inspect affected homes and make arrangements to assist the tribe in repairing the damage and, if necessary, move residents to temporary housing, according to the governor's office. The state's plan to raise the highway grade included plans to raise a secondary road between tribal housing and the highway to Lake Andes, at no cost to the tribe, according to the governor's office.

Ex. 21

FILED

JUN 26 2024

DOT

Yankton
CHARLES MIX COUNTY CLERK OF COURTS
FIRST JUDICIAL CIRCUIT COURT OF SD

FTA

U.S. Department of Transportation

Federal Transit Administration

Application

Federal Award Identification Number (FAIN)	SD-2021-018-00
Temporary Application Number	7044-2021-2
Application Name	Yankton Sioux Tribe FFY20 CARES Act - Operating and Program Admin
Application Status	Final Concurrence / Reservation
Application Budget Number	0

Period of Performance Start Date	N/A
Original Period of Performance End Date	11/30/2021
Current Period of Performance End Date	N/A Revision #: N/A

Part 1: Recipient Information

Name: Yankton Sioux Tribe

Recipient ID	Recipient OST Type	Recipient Alias	Recipient DUNS
7044	Indian Tribe	YANKTON SIOUX TRIBE DBA FORT RANDALL CASINO	122118409

Location Type	Address	City	State	Zip
Headquarters	1153 MAIN SW	WAGNER	SD	57380
Physical Address	1153 MAIN SW	WAGNER	SD	57380
Mailing Address	800 MAIN SW	WAGNER	SD	57380

Union Information

There are no union contacts for this application

Part 2: Application Information

Exhibit 21

Title: Yankton Sioux Tribe FFY20 CARES Act - Operating and Program Admin

FAIN	Application Status	Application Type	Date Created	Last Updated Date	From TEAM?
SD-2021-018-00	Final Concurrence / Reservation	Grant	3/3/2021	3/3/2021	No

Application Executive Summary

This is a FFY2020 Section 5311 Tribal CARES Act grant in the amount of \$366,566 (full apportionment). Per the CARES Act, the grant requests 100% federal share. This grant utilizes CARES Act funding to prevent, prepare for, and respond to COVID-19.

The grant scope of work includes the following projects in support of the Tribal Transit Program:

- 1) Operating Assistance - \$300,000
- 2) Program Admin - \$66,566

The Recipient agrees that if it receives federal funding from the Federal Emergency Management Agency (FEMA) or through a pass-through entity through the Robert T. Stafford Disaster Relief and Emergency Assistance Act, a different federal agency, or insurance proceeds for any portion of a project activity approved for FTA funding under this Grant Agreement, it will provide written notification to FTA, and reimburse FTA for any federal share that duplicates funding provided by FEMA, another federal agency, or an insurance company.

The tribe selected pre-award authority and will draw the full grant amount to be reimbursed for expenses already incurred as soon as the grant is executed.

Purpose: Reimburse the tribe for expenses incurred in 2020.

Activities to be performed: Reimburse transit service and personnel admin leave for 3/14/2020 - 12/31/2020.

Expected Outcomes: Allow transit service to be maintained.

Intended Beneficiaries: Yankton Sioux Tribal members.

Subrecipient Activities: N/A

Frequency of Milestone Progress Reports (MPR)

Annual

Frequency of Federal Financial Reports (FFR)

Annual

Does this application include funds for research and/or development activities?

This award does not include research and development activities.

Pre-Award Authority

This award is using Pre-Award Authority.

Does this application include suballocation funds?

Recipient organization is directly allocated these funds and is eligible to apply for and receive these funds directly.

Will this Grant be using Lapsing Funds?

No, this Grant does not use Lapsing Funds.

Will indirect costs be applied to this application?

This award does not include an indirect cost rate.

Indirect Rate Details: N/A

Requires E.O. 12372 Review

No, this application does not require E.O. 12372 Review.

Delinquent Federal Debt

No, my organization does not have delinquent federal debt.

Application Point of Contact Information

First Name	Last Name	Title	E-mail Address	Phone
Emma	Belmont	Transportation Program Specialist	emma.belmont@dot.gov	(303) 362-2392
Georgiana	Abdo	Transit Director	georgianaabdo2019@gmail.com	(605) 384-5050

Application Budget Control Totals

Funding Source	Section of Statute	CFDA Number	Amount
5311 Tribal formula (CARES Act)	5311-7	20509	\$366,566
Local			\$0
Local/In-Kind			\$0
State			\$0
State/In-Kind			\$0
Other Federal			\$0
Transportation Development Credit			\$0
Adjustment			\$0
Total Eligible Cost			\$366,566

Application Budget

Project Number	Budget Item	FTA Amount	Non-FTA Amount	Total Eligible Amount	Quantity
SD-2021-018-01-00	600-00 (600- OTHER PROGRAM COSTS	\$366,566.00	\$0.00	\$366,566.00	2

A1)							
SD-2021-018-01-00	11.79.00	Project Administration	\$66,566.00	\$0.00	\$66,566.00		1
SD-2021-018-01-00	30.09.08	EMER RELIEF - OPERATING ASSIST - 100% Fed Share	\$300,000.00	\$0.00	\$300,000.00		1

Discretionary Allocations

This application does not contain discretionary allocations.

Part 3: Project Information

Project Title: Yankton Sioux Operating and Program Admin

Project Number	Temporary Project Number	Date Created	Start Date	End Date
SD-2021-018-01-00	7044-2021-2-P1	3/3/2021	3/14/2020	12/31/2020

Project Description

Yankton Sioux Tribe will use FFY20 CARES Act funds to reimburse the tribe for operating and program administrative that began when the tribe instituted a tribal closure on 3/14/2020 related to the COVID-19 Pandemic. This closure required some transit staff to be on partial admin leave throughout the full year following the initial closure.

Federal share is 100%.

Project Benefits

Maintain transit program throughout the pandemic.

Additional Information

None provided.

Location Description

We service the Yankton Sioux area

Project Location (Urbanized Areas)

UZA Code	Area Name
460000	South Dakota

Congressional District Information

State	District	Representative
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Program Plan Information

STIP/TIP

Date: N/A

Description: N/A

UPWP

Date: N/A

Description: N/A

Long Range Plan

Date: N/A

Description: N/A

Project Control Totals

Funding Source	Section of Statute	CFDA Number	Amount
5311 Tribal formula (CARES Act)	5311-7	20509	\$366,566
Local			\$0
Local/In-Kind			\$0
State			\$0
State/In-Kind			\$0
Other Federal			\$0
Transportation Development Credit			\$0
Adjustment			\$0
Total Eligible Cost			\$366,566

Project Budget

Project Number	Budget Item	FTA Amount	Non-FTA Amount	Total Eligible Amount	Quantity
SD-2021-018-01-00	600-00 (600-A1) OTHER PROGRAM COSTS	\$366,566.00	\$0.00	\$366,566.00	2
SD-2021-018-01-00	11.79.00 Project Administration	\$66,566.00	\$0.00	\$66,566.00	1
SD-2021-018-01-00	30.09.08 EMER RELIEF - OPERATING ASSIST - 100% Fed Share	\$300,000.00	\$0.00	\$300,000.00	1

Project Budget Activity Line Items

Budget Activity Line Item: 30.09.08 - EMER RELIEF - OPERATING ASSIST - 100% Fed Share

Scope Name / Code	Line Item #	Line Item Name	Activity	Quantity
OTHER PROGRAM COSTS (600-00)	30.09.08	EMER RELIEF - OPERATING ASSIST - 100% Fed Share	OPERATING ASSISTANCE	1

Extended Budget Description

FFY20 CARES Act funds will be used to provide operating assistance for the continued operations of the tribal transit program. This is 100% Federal.

Operating funds will cover the timeframe of 3/14/2020 - 12/31/2020, including expenses for: drivers and dispatchers salaries and fringe benefits, fuel, oil, and licenses, less revenues (fare revenue, advertising revenue). This also includes paying administrative leave for operations and maintenance personnel due to reductions/suspensions of service. Operating expenses are based on actuals spent in 2020.

Will 3rd Party contractors be used to fulfill this activity line item?

No, 3rd Party Contractors will not be used for this line item.

Funding Source	Section of Statute	CFDA Number	Amount
5311 Tribal formula (CARES Act)	5311-7	20509	\$300,000
Local			\$0
Local/In-Kind			\$0
State			\$0
State/In-Kind			\$0
Other Federal			\$0
Transportation Development Credit			\$0
Adjustment			\$0
Total Eligible Cost			\$300,000

Milestone Name	Est. Completion Date	Description
Start Date	3/14/2020	
End Date	12/31/2020	

Budget Activity Line Item: 11.79.00 - Project Administration

Scope Name / Code	Line Item #	Line Item Name	Activity	Quantity
OTHER PROGRAM COSTS (600-00)	11.79.00	PROJECT ADMINISTRATION	OTHER CAPITAL ITEMS (BUS)	1

Extended Budget Description

FFY20 CARES Act Tribal funds in the amount of \$66,566 will be used for Program Administration for the timeframe of 3/14/2020 through 12/31/2020. When the COVID-19 Pandemic started the tribe initiated a nearly full closure and put approximately 50% of the transit staff on full admin leave. The amount of time personnel were on admin leave varied throughout this time as COVID-19 cases increased and declined throughout the months.

This is 100% federally funded. Documentation is available upon request.

Will 3rd Party contractors be used to fulfill this activity line item?

No, 3rd Party Contractors will not be used for this line item.

Funding Source	Section of Statute	CFDA Number	Amount
5311 Tribal formula (CARES Act)	5311-7	20509	\$66,566
Local			\$0
Local/In-Kind			\$0
State			\$0
State/In-Kind			\$0
Other Federal			\$0
Transportation Development Credit			\$0
Adjustment			\$0
Total Eligible Cost			\$66,566

Milestone Name	Est. Completion Date	Description
Start Date	3/14/2020	Begin incurring expenses
End Date	12/31/2020	End incurring expenses

Project Environmental Findings**Finding: Class II(c) - Categorical Exclusions (C-List)****Class Level Description**

Class II(c) consists of projects that do not have a significant environmental impact on the human or natural environment and are therefore categorically excluded from the requirement to prepare an environmental assessment or an environmental impact statement. FTA requires a sufficient project description to support a CE determination. The project may require additional documentation to comply with other environmental laws.

Categorical Exclusion Description

Type 04: Planning and administrative activities which do not involve or lead directly to construction, such as: training, technical assistance and research; promulgation of rules, regulations, directives, or program guidance; approval of project concepts; engineering; and operating assistance to transit authorities to continue existing service or increase service to meet routine demand.

Date	Description
------	-------------

Part 4: Fleet Details

No fleet data exists for this application.

Part 5: FTA Review Comments

FTA Comments for DOL

Comment By Emma Belmont

Comment Type DOL Review for Information

Date 8/19/2021

Comment Stimulus funds for Operating for 1/1/2020-12/31/2020. Grantee contact:
Georgiana Abdo
(605) 384-5050
georgianaabdo2019@gmail.com

Application Review Comments

Comment By Emma Belmont

Comment Type Pre-Award Manager Returns Application

Date 8/16/2021

Comment

Part 6: Agreement

**UNITED STATES OF AMERICA
DEPARTMENT OF TRANSPORTATION
FEDERAL TRANSIT ADMINISTRATION**

**GRANT AGREEMENT
(FTA G-28, February 9, 2021)**

On the date the authorized U.S. Department of Transportation, Federal Transit Administration (FTA) official signs this Grant Agreement, FTA has obligated and awarded federal assistance as provided below. Upon execution of this Grant Agreement by the Recipient named below, the Recipient affirms this FTA Award, enters into this Grant Agreement with FTA, and binds its compliance with the terms of this Grant Agreement.

The following documents are incorporated by reference and made part of this Grant Agreement:
(1) "Federal Transit Administration Master Agreement," FTA MA(28), February 9, 2021,

<http://www.transit.dot.gov>,

(2) The Certifications and Assurances applicable to the FTA Award that the Recipient has selected and provided to FTA, and

(3) Any Award notification containing special conditions or requirements, if issued.

WHEN THE TERM "FTA AWARD" OR "AWARD" IS USED, EITHER IN THIS GRANT AGREEMENT OR THE APPLICABLE MASTER AGREEMENT, "AWARD" ALSO INCLUDES ALL TERMS AND CONDITIONS SET FORTH IN THIS GRANT AGREEMENT.

FTA OR THE FEDERAL GOVERNMENT MAY WITHDRAW ITS OBLIGATION TO PROVIDE FEDERAL ASSISTANCE IF THE RECIPIENT DOES NOT EXECUTE THIS GRANT AGREEMENT WITHIN 90 DAYS FOLLOWING FTA'S AWARD DATE SET FORTH HEREIN.

FTA AWARD

Federal Transit Administration (FTA) hereby awards a Federal Grant as follows:

Recipient Information

Recipient Name: Yankton Sioux Tribe

Recipient ID: 7044

DUNS No: 122118409

Application Information

Federal Award Identification Number: SD-2021-018-00

Application Name: Yankton Sioux Tribe FFY20 CARES Act - Operating and Program Admin

Application Start Date: N/A

Original Award End Date: 11/30/2021

Current Award End Date: N/A

Application Executive Summary: This is a FFY2020 Section 5311 Tribal CARES Act grant in the amount of \$366,566 (full apportionment). Per the CARES Act, the grant requests 100% federal share. This grant utilizes CARES Act funding to prevent, prepare for, and respond to COVID-19.

The grant scope of work includes the following projects in support of the Tribal Transit Program:

- 1) Operating Assistance - \$300,000
- 2) Program Admin - \$66,566

The Recipient agrees that if it receives federal funding from the Federal Emergency Management Agency (FEMA) or through a pass-through entity through the Robert T. Stafford Disaster Relief and Emergency Assistance Act, a different federal agency, or insurance proceeds for any portion of a project activity approved for FTA funding under this Grant Agreement, it will provide written notification to FTA, and reimburse FTA for any federal share that duplicates funding provided by FEMA, another federal agency, or an insurance company.

The tribe selected pre-award authority and will draw the full grant amount to be reimbursed for expenses already incurred as soon as the grant is executed.

Purpose: Reimburse the tribe for expenses incurred in 2020.

Activities to be performed: Reimburse transit service and personnel admin leave for 3/14/2020 - 12/31/2020.

Expected Outcomes: Allow transit service to be maintained.

Intended Beneficiaries: Yankton Sioux Tribal members.

Subrecipient Activities: N/A

Research and Development: This award does not include research and development activities.

Indirect Costs: This award does not include an indirect cost rate.

Suballocation Funds: Recipient organization is directly allocated these funds and is eligible to apply for and receive these funds directly.

Pre-Award Authority: This award is using Pre-Award Authority.

Application Budget

Total Application Budget: \$366,566.00

Amount of Federal Assistance Obligated for This FTA Action (in U.S. Dollars): \$366,566.00

Amount of Non-Federal Funds Committed to This FTA Action (in U.S. Dollars): \$0.00

Total FTA Amount Awarded and Obligated (in U.S. Dollars): \$366,566.00

Total Non-Federal Funds Committed to the Overall Award (in U.S. Dollars): \$0.00

Application Budget Control Totals

(The Budget includes the individual Project Budgets (Scopes and Activity Line Items) or as attached)

Funding Source	Section of Statute	CFDA Number	Amount
5311 Tribal formula (CARES Act)	5311-7	20509	\$366,566
Local			\$0
Local/In-Kind			\$0
State			\$0
State/In-Kind			\$0
Other Federal			\$0
Transportation Development Credit			\$0
Adjustment			\$0
Total Eligible Cost			\$366,566

(The Transportation Development Credits are not added to the amount of the Total Award Budget.)

U.S. Department of Labor Certification of Public Transportation Employee Protective Arrangements:

Original Certification Date:

Special Conditions

There are no special conditions.

FINDINGS AND DETERMINATIONS

By signing this Award on behalf of FTA, I am making all the determinations and findings required by federal law and regulations before this Award may be made.

FTA AWARD OF THE GRANT AGREEMENT

Awarded By:

FEDERAL TRANSIT ADMINISTRATION
U.S. DEPARTMENT OF TRANSPORTATION
Contact Info:
Award Date:

EXECUTION OF THE GRANT AGREEMENT

Upon full execution of this Grant Agreement by the Recipient, the Effective Date will be the date FTA or the Federal Government awarded Federal assistance for this Grant Agreement.

By executing this Grant Agreement, the Recipient intends to enter into a legally binding agreement in which the Recipient:

- (1) Affirms this FTA Award,
- (2) Adopts and ratifies all of the following information it has submitted to FTA:
 - (a) Statements,
 - (b) Representations,
 - (c) Warranties,
 - (d) Covenants, and
 - (e) Materials,
- (3) Consents to comply with the requirements of this FTA Award, and
- (4) Agrees to all terms and conditions set forth in this Grant Agreement.

Executed By:

Yankton Sioux Tribe