



STATE OF SOUTH DAKOTA
OFFICE OF THE GOVERNOR
KRISTI NOEM | GOVERNOR

April 23, 2020

U.S. Department of the Interior
Attn: Secretary Bernhardt
1849 C Street, N.W.
Washington, DC 20240

Secretary Bernhardt,

I write to inform you about a developing situation in South Dakota that requires your immediate attention.

In response to COVID-19, the Cheyenne River Sioux Tribe (herein "CRST" or the "Tribe"), set up checkpoints on South Dakota state highways. At no time did the Tribe consult with the State or seek agreement with the State regarding the checkpoints. The Tribe established and enforces a policy at the checkpoints that goes beyond all reasonable measures to protect tribal members from COVID-19.

The following are specific examples that have been brought to the attention of my office – demonstrating the hindrance these checkpoints are having on essential personnel, non-tribal members, and many others:

- South Dakota Department of Transportation, South Dakota Game Fish and Parks, and South Dakota Housing employees and contractors are required by the Tribe to obtain travel permits for every person and every trip taken on state highways beyond the checkpoints to provide state services.
- Non-tribal members traveling to and from their homes located on non-tribal land must also obtain travel permits for each trip taken beyond the checkpoints on state highways. One individual, for example, tells us that he waits up to thirty minutes daily trying to pass through the checkpoint for his "work permit" to be reviewed.
- Similarly, the Tribe prevents those that work in and serve the farm and ranch community from traveling on state highways. Seed and equipment deliveries are interrupted, ranchers are unable to get cattle to the veterinarian, and the Tribe went so far as to prohibit a gasoline supplier from passing through the checkpoint. In the case of the gasoline delivery, I am aware that the supplier had a travel permit and was still prohibited from passing through the checkpoint.

My Secretary of Tribal Relations and I requested, on several occasions, that the Tribe work with the State to both protect the health of tribal members and ensure there is no inhibition to essential personnel, non-tribal members, and all others. Regrettably, the Tribe refuses to partner with us in this area, and so I respectfully request your assistance to rectify this situation immediately.

Specifically, I ask that

- 1) State employees and those providing state services be permitted to use state highways freely without a travel permit.
- 2) Those not intending to stop on the reservation must be allowed to freely use state highways for travel through the area without a travel permit.
- 3) Essential personnel must be allowed to travel on state highways to safely deliver critical supplies and services.

Thank you for your immediate assistance with this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Kristi Noem", with a long horizontal flourish extending to the right.

Kristi Noem
Governor