



# *Pawnee Nation of Oklahoma*

RESOLUTION #15-79  
OCTOBER 22, 2015

## RESOLUTION

- Whereas,** The Pawnee Business Council is the supreme governing body of the Pawnee Nation and is authorized to conduct business on behalf of the Pawnee Nation in accordance with Article IV, Sections 1 and 2 of the Pawnee Nation Constitution and By-Laws; and
- Whereas,** the Pawnee Business Council met in special session on October 22, 2015, at the Pawnee Nation Multi-Purpose Building, duly authorized, with a quorum present; and
- Whereas,** the Pawnee Nation is concerned about the impact of unchecked fracking and associated waste water disposal well operations in Pawnee and Payne Counties on public safety, tribal buildings and trust property, homes of tribal members, and the water supply available to the Pawnee Nation and its members due to earthquakes and junior water uses by oil companies engaged in fracking operations; and
- Whereas,** a growing epidemic of man-made earthquakes is adversely impacting the Pawnee Nation due to said oil and gas operations; in the past month alone, Oklahoma experienced over 206 earthquakes and 2,097 earthquakes shook our territory in the past year. The Oklahoma Corporation Commission recently curtailed waste water disposal well operations in the Enid and Cushing areas to address that problem, but earthquakes continue to threaten Pawnee life, public safety and property on tribal trust land and individual allotments; and
- Whereas,** the Pawnee Nation has experienced a serious water supply crisis in the past few years, due to poor water quality and water shortage problems in the surface water supply; and now groundwater supply is threatened by junior water uses by fracking and associated waste water disposal well operations, which raise unaddressed environmental concerns; and
- Whereas,** the Bureau of Indian Affairs (BIA) and Bureau of Land Management (BLM) are the trustees of the Pawnee Nation and its members, with a fiduciary duty to protect tribal trust property and trust resources, including federally reserved Indian water rights to an adequate supply of good quality water in all appurtenant, bordering surface and groundwater on or adjacent to tribal land and individual Indian allotments; and
- Whereas,** the BIA does not have a policy on fracking to guide the leasing of Pawnee trust land and restricted Indian trust allotments, or to guide BIA approval of assignments of existing oil and gas leases for fracking purposes;
- Whereas,** In the absence of a policy the BIA (1) approves oil and gas leases without taking into account the impact of fracking/waste water disposal practices on Indian water rights, trust property and the public safety of the Pawnee Nation or its members; (2) approves the assignment of existing oil and gas leases for fracking purposes without notifying the landowners or obtaining their free, prior and informed consent for such new, vastly different and highly destructive land uses, and (3) the BIA may have unilaterally allowed lessees or their assigns to use enormous amounts of scarce Indian

water for fracking purposes on riparian allotments without obtaining the water right owners' consent.

**NOW, THEREFORE BE IT RESOLVED** the Pawnee Business Council does hereby request the Bureau of Indian Affairs (BIA) and Bureau of Land Management (BLM) to place a moratorium on (1) any further oil and gas leases in Pawnee and Payne Counties, (2) the approval of any assignment of any existing lease for fracking purposes, and (3) the issuance of any further licenses for such operations on Indian land in Pawnee and Payne Counties until such time as the BIA and BLM develops a leasing policy on fracking and associated waste water disposal operations in consultation with the Pawnee Nation, Pawnee allotment owners, and Pawnee home owners that addresses earthquake, water quality and water quantity, and public safety concerns; and

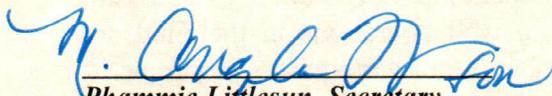
**BE IT FURTHER RESOLVED**, the Pawnee Nation requests the BIA to develop a plan to protect Pawnee Nation and individual allotment water rights done in consultation with the Pawnee Nation and its water users, including funding necessary studies, water rights protection work, and take all other actions necessary to vigorously quantify and protect tribal water rights.

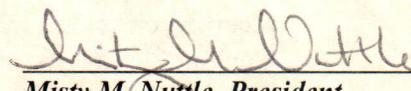
### CERTIFICATION

I, Phammie Littlesun, Secretary of the Pawnee Business Council, certify that a regular meeting of the Pawnee Business Council was held on the 22<sup>nd</sup> day of October 2015, and that the Pawnee Business Council is composed of eight members, of whom 6 were present, 2 absent, comprising a quorum; and that the foregoing Resolution was duly adopted by a vote of 5 for, 0 against, 0 abstaining, and 1 not voting.

*Signed this 22<sup>nd</sup> day of October 2015*

ATTEST:

  
Phammie Littlesun, Secretary  
Pawnee Business Council

  
Misty M. Nuttle, President  
Pawnee Business Council

