



KIOWA TRIBE

P.O. Box 369 • Carnegie, Oklahoma • 73015
Phone: (580) 654-6338 • Fax: (580) 654-1788
OFFICE OF THE LEGISLATURE

Resolution Number: KL-CY-2024-006

Resolution Concerning the Westwin Elements Cobalt Project

At a duly called Legislative Regular Session LXXXIV of the Legislature of the Kiowa Tribe held this 13th day of April, 2024, the following resolution, was adopted.

WHEREAS, the Kiowa Tribe of Oklahoma is a federally recognized Indian Tribe with a Constitution approved by the Secretary of the Interior; and,

WHEREAS, the Legislature, is vested with the authority to pass laws and resolutions pursuant to Article VI, Section 6 (a) of the Constitution of the Kiowa Tribe; and,

WHEREAS, the Legislature is authorized under the Kiowa Constitution to promulgate and enforce codes and laws, to pass resolutions and to protect Kiowa Tribal Citizens; and,

WHEREAS, each elected member of the Kiowa Tribal Legislature is entrusted with upholding and safeguarding the Kiowa Constitution, the laws of the Kiowa Tribe, and to carry out faithfully and impartially the duties of the office to the best of their ability and,

WHEREAS, the Kiowa territory is defined in the Kiowa Constitution, and

WHEREAS, the Kiowa Tribe determined that the Westwin Elements' planned operations are within the territory of the Kiowa Tribe, and,

WHEREAS, Numerous areas of cultural and environmental importance to the Kiowa Tribe are believed to be impacted by emissions from the Westwin Elements' likely planned operations. These areas include national wilderness areas, sacred sites, essential water resources, religious sites and homes of Indigenous people, and agricultural resources; and,

WHEREAS, before any permit is issued by any government to Westwin Elements the company must be transparent with the Kiowa Tribe concerning its plans and the impact of those plans on Kiowa territory; and,

WHEREAS, We as Kiowa Legislators require, to the extent we are able, that all businesses within the Kiowa territory comply with the Federal and Kiowa laws regarding air quality, water quality, or laws which otherwise safeguard public health, and,

WHEREAS, We, as Kiowa Legislators, recognize that permits to pollute air and water are given to large corporate concerns to conduct business where that business emits chemicals into the environment and,

Published: February 23, 2024, and read into record by: Warren Queton, District #7 Legislator, on Legislative Regular Session LXXXII-(82), February 10, 2024. Legislative Regular Session LXXXIII-(83), March 09, 2024. Legislative Public Hearing II-(2), March 19, 2024. Legislative Regular Session LXXXIV-(84), April 13, 2024.

Hàu – Yes; Hàu:né – No; Háu n á – Abstain; Héñgyádàu - Absent

WHEREAS, We, as Kiowa Legislators, recognize that the owners and executives of large businesses that seek permits to pollute the air and water within Kiowa territory do not themselves live within Kiowa Territory and consequently, the environmental impacts of the decisions of the executives of large companies like Westwin Elements do not fall directly upon their health and lives of those they love; and,

WHEREAS, We, as Kiowa Legislators, recognize that federal permits to pollute the air and water in Kiowa territory will result in pollution falling on our heads and being breathed into the lungs of those we love; and,

WHEREAS, We as Kiowa Legislators further recognize that though we as Kiowa people all give the effort to which we are capable each day, our communities are often low-income and racially diverse, and,

WHEREAS, We as Kiowa Legislators further recognize that if permits to pollute our air and water are issued to Westwin Elements, our people – Indigenous Americans – who often lack the resources to protect themselves or who lack the resources to access health, social, and wellness solutions, will bear the health and social impact of the release of pollution from Westwin Elements’ projects; and,

WHEREAS, The Kiowa Tribe Legislature determines it was in the best interest of the Kiowa Tribe to claim the right to clean air and clean water within Kiowa territory and,

WHEREAS, the Kiowa Tribe Legislature recommends that actions must be taken to address concerns about Westwin Elements’ proposed cobalt project, including ongoing consultation with Westwin Elements, the Federal Government, other tribes, local and municipal governments, and the State of Oklahoma and,

WHEREAS, any activity by Westwin Elements which may impact Kiowa Territory should proceed be Westwin Elements consultation and request for approval by the Kiowa Tribe; and,

WHEREAS, Westwin Elements has not been forthcoming with the Kiowa Tribe concerning plans to utilize natural resources within the Kiowa territory and,

WHEREAS, Westwin Elements has not been forthcoming with the Kiowa Trib concerning the impacts to air, water, and land quality resulting from its plans; and,

WHEREAS, the failure of Westwin Elements to consult with the Kiowa Tribe evidences a marked disrespect for the Indigenous Peoples in the Kiowa Territory, including the citizens of the Kiowa, Apache, Comanche, Chickasaw, Cherokee, and Choctaw Nations, as well as other sovereign Indigenous tribes and nations who have communication and relation to Kiowa territory, including by the fact that many peoples of these tribes and nations live in Kiowa territory and it is in their heads and in their lungs that the pollution of Westwin Elements would fall; and,

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Hàu – Yes; Hàu:né – No; Háu:n á – Abstain; Héngyádàu - Absen

FINDING the failure of Westwin Elements to consult and communicate with the Kiowa Tribe untenable.

NOW, THEREFORE BE IT RESOLVED, the Kiowa Tribe Legislature takes the following actions in defending and protecting the Kiowa Tribe Constitution, its members, and the clean air, clean water and life-giving land within its sovereign territory:

- 1) Requesting the U.S. Environmental Protection Agency to consult with the Kiowa Chairman to ensure that any applicable environmental studies or reviews are completed before any federal permit is issued;
- 2) Requesting the U.S. Environmental Protection Agency to consult with the Kiowa Chairman concerning impacts to the air shed within Kiowa Territory, including the Wilderness Areas that are designated as Class 1 Air Sheds from any activity by Westwin Elements;
- 3) Requesting the U.S. Environmental Protection Agency to provide the Kiowa Tribe with all data on air quality presently within the Kiowa territory and to establish monitoring stations to determine the impacts of any Westwin Elements project on Kiowa territory.
- 4) Requesting the U.S. Environmental Protection Agency to ensure the Kiowa Tribe's concerns regarding air quality, impacts on health, impacts on cultural resources, and impacts on local and regional haze are addressed in any permitting decision relating to Westwin Elements.
- 5) Requesting the Chairman of the Kiowa Tribe to consult with the White House Environmental Justice Committee concerning Westwin Elements and its plan;
- 6) Requesting the Kiowa Historic Preservation Office to initiate consultation with the appropriate governments according to Section 106 of NHPA; and
- 7) Requesting the Executive Team of Westwin Elements to present a written and verbal briefing of its plans in Kiowa sovereign territory to the Kiowa Legislature and Kiowa Executive Branch, at which time it is requested that Westwin Elements addresses specifically the location and size of any mining, processing, transportation or refining facilities, the status of any permits, the status of any construction, the source of funding for the projects, identity of any foreign governments related to the project, including by contract or investment; the planned timeline of operations; the persons responsible for environmental contamination, including the financial solvency of the company to address environmental contamination plans; the problems relating to Cobalt mining in Congo with which Westwin Elements' Executive Staff is familiar and why and how it expects the situation to be different in Kiowa territory;


BE IT FINALLY RESOLVED, unless or until the Kiowa Legislature, by a future unanimous vote, is satisfied as a result of the consultations set out above that the proposed operations by Westwin Elements will not foul the air, water and land of the Kiowa Territory and will not impact the lives and health of Indigenous people in Kiowa Territory, the Kiowa Tribe negatively hereby formally opposes the Westwin Elements project.

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

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Hàu – Yes; Hàu:né – No; Háun á – Abstain; Héñgyádàu - Absen

The foregoing Resolution KL-CY-2024-006 was duly voted upon by the Legislature on April 13, 2024, at a Legislative Regular Session LXXXIV -(84), with a vote of (6) in favor and (0) opposed, (0) abstaining, and (1) absent, according to the authority vested in the Legislature by the Constitution of the Kiowa Tribe.


Anita Johnson
Secretary of the Legislature



LEGISLATIVE RESOLUTION – KL-CY-2024-006

Sponsors: Warren Queton, District 7.

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Hàu – Yes; Hàu:né – No; Háun á – Abstain; Héñgyádàu - Absen

Co-Sponsors: Anita Johnson, District 5; Kyle Ataddlety, District 1; Michael Primus, District 2; Timothy Satepauhoodle, District 3; Alana Quetone, District 4; Ben Wolf, District 6.

LEGISLATORS	YES Hàu	NO Hàu:né	ABSTAIN Háun á	ABSENT Héñgyádàu
Kyle Ataddlety District #1	X			
Michael Primus District #2	X			
Timothy Satepauhoodle District #3	X			
Alana Quetone District #4	X			
Anita Johnson District #5	X			
Ben Wolf District #6	X			
Warren Queton District #7				X out of District

DELIVERY OF THE RESOLUTION AND LAW TO THE CHAIRMAN

Resolution No. KL-CY-2024-006 was presented to the Chairman of the Kiowa Tribe on the 19th day of April, 2024, pursuant to the Article VI, Section 8(a)(iv) of the Constitution of the Kiowa Tribe, and will become effective after signature by the Chairman or veto override by the Legislature, and as otherwise required by the Constitution.


 Anita Johnson
 Secretary of the Legislature

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Hàu – Yes; Hàu:né – No; Háun á – Abstain; Héñgyádàu - Absen

CHAIRMAN'S ACTION:

APPROVED

VETO - RETURNED TO LEGISLATURE WITH EXPLANATION:

On this 19th day of April, 2024.



Lawrence Spottedbird
Chairman of the Kiowa Tribe

Presented by the Chairman to the Legislature on the ____ day of _____, 2024.

LEGISLATURE'S ACTION:

Override of Chairman's veto:

YES

NO

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Hàu – Yes; Hàu:né – No; Háu á – Abstain; Héñgyádàu - Absen

LEGISLATIVE OVERRIDE ORDER: KLO-CY-2024-0XX

LEGISLATORS	YES	NO	ABSTAIN	ABSENT
Kyle Ataddlety District #1				
Michael Primus District #2				
Timothy Satepauhoodle District #3				
Alana Quetone District #4				
Anita Johnson District #5				
Ben Wolf District #6				
Warren Queton District #7				

CERTIFICATION

The foregoing Legislative Order, KL-CY-2024-00X was duly voted upon by the Legislature on _____, 2024, at a Legislative Override Order Session with a vote of _____ in favor and _____ opposed, and _____ abstaining, _____ Absent. Pursuant to the authority vested in the Legislature by the Constitution of the Kiowa Tribe.

Anita Johnson
Secretary of the Legislature

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