

Dakota Access Pipeline LLCs

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3 **WHEREAS** the Standing Rock Sioux Reservation was originally established as part of
4 the Great Sioux Reservation in the Treaty of Fort Laramie of 1851 and in Article 2 of the
5 Treaty of Fort Laramie of April 29, 1868;

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7 **WHEREAS**, through the Treaties of Fort Laramie, the Standing Rock Sioux Tribe views
8 the ancestral lands and water sources as sacred entities;

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10 **WHEREAS**, having signed treaties as equals with the United States Government in 1851
11 and 1868, which established the original boundaries of the Great Sioux Nation, the tribe
12 staunchly asserts these treaty rights to remain steadfast, and just as applicable today as
13 on the day they were made;

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15 **WHEREAS** the Standing Rock Sioux Tribe stands by its right to self-government as a
16 sovereign nation, which includes taking a government-to-government stance with the
17 states and federal government entities;

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19 **WHEREAS** Article 19 of the United Nations Declarations on the Rights of Indigenous
20 Peoples, which was endorsed by the United States in 2010, states “States shall consult
21 and cooperate in good faith with the indigenous peoples concerned in order to obtain
22 their free, prior and informed consent before adopting and implementing legislative or
23 administrative measures that may affect them”;

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25 **WHEREAS** the Native American Caucus is composed of tribal representatives from the
26 29 Tribes of Washington State, 568 Federal Recognized Tribes and Native Indians living
27 in the United States;

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29 **WHEREAS** the Native American Caucus was formed to promote the common interests
30 of the Native people living in the United States;

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32 **WHEREAS** the United States has obligated itself both through the Constitution of the
33 United States as stated in Article VI “This Constitution and the Laws of the United
34 States which shall be made in Pursuance thereof; and all Treaties made, or which shall
35 be made, under the Authority of the United States, shall be the supreme Law of the
36 Land”;

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38 **WHEREAS** the Dakota Access Pipeline LLC has proposed to construct a 1,100 mile
39 pipeline with a capacity of 570,000 barrels of crude oil per day, to cross the Missouri
40 River immediately above the mouth of the Cannon Ball River on the Standing Rock
41 Indian Reservation;

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43 **WHEREAS** recent oil spills, including the release of 840,000 gallons of oil near Tioga,
44 N.D.in October, 2013; 51,000 gallons of oil released into the Yellowstone River upstream
45 from Glendive, Montana, resulting in the shutdown of the community water system for
46 6,000 residents in January, 2015; as well as the release of 1,000,000 gallons of tar sands
47 crude in Michigan’s Kalamazoo River in July, 2010, demonstrate the danger to
48 downstream communities and fish and wildlife from oil and gas pipelines such as
49 Dakota Access;

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51 **WHEREAS** the Tribes and Nations of the Great Plains rely on the waters of the life-
52 giving Missouri River for our continued existence, and the Dakota Access Pipeline
53 poses a serious risk to Mni Sose and to the very survival of our Tribes and Nations;

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55 **WHEREAS** the Dakota Access Pipeline poses a threat to water intake systems on the
56 Standing Rock and Cheyenne River Indian Reservations and the Mni Wiconi intake
57 serving the Oglala, Rosebud and Lower Brule Sioux Tribes;

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59 **WHEREAS** the Dakota Access Pipeline threatens the integrity of sacred sites and
60 historic and archaeological resources;

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62 **WHEREAS** the potential for an oil spill from the proposed Dakota Access Pipeline
63 poses unacceptable risk to the waters of the Great Plains Sovereign Tribes and Nations,
64 and to fish and wildlife critical to the survival of our way of life;

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66 **WHEREAS** the approval of the Dakota Access Pipeline Missouri River crossing is a
67 significant action requiring consultation with all the Great Plains Sovereign Tribes and
68 Nations under our Treaties and under Executive Order 13175 on Government-to-
69 Government Consultation, however, the Army Corps of Engineers has failed to engage
70 in the requisite consultation on this destructive project; and

71

72 **WHEREAS** the Army Corps of Engineers is responsible for the environmental review of
73 the Missouri River crossing of the Dakota Access Pipeline under the National
74 Environmental Policy Act (NEPA), and the Corps has not indicated an intention to
75 comply with NEPA or the National Historic Preservation Act (NHPA) in its oversight of
76 the Missouri River crossing Dakota Access Pipeline;

77

78 **WHEREAS** the federal agencies responsible for the requisite environmental review
79 under NEPA and the evaluation of adverse effects on cultural resources under section
80 106 of the NHPA have improperly segmented the project, in order to contravene the
81 comprehensive environmental and cultural reviews that are required under federal law,
82 thereby jeopardizing the land and waters of the Sovereign Tribes and Nations of the
83 Great Plains Region;

84

85 **WHEREAS** the Tribal Historic Preservation Officers of the Sovereign Tribes and
86 Nations of the Great Plains Region are authorized to develop a common strategy to
87 protect cultural resources from the Dakota Access Pipeline;
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89 **THEREFORE BE IT RESOLVED** that the Washington State Democratic Central
90 Committee hereby strongly opposes the Dakota Access Pipeline;
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92 **THEREFORE BE IT FURTHER RESOLVED** that the Washington State Democratic
93 Central Committee calls upon the Army Corps of Engineers to fully comply with the
94 National Environmental Policy Act, through the preparation of an environmental
95 impact statement on the entire Dakota Access Pipeline, including a comprehensive risk
96 assessment from a potential oil spill at the crossing of the Missouri River and all other
97 waterways;
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99 **THEREFORE BE IT FURTHER RESOLVED** that the Washington State Democratic
100 Central Committee calls upon the Army Corps of Engineers to fully comply with
101 section 106 of the National Historic Preservation Act for the entire length of the Dakota
102 Access Pipeline;
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104 **THEREFORE BE IT FURTHER RESOLVED** that the Washington State Democratic
105 Central Committee calls upon the Army Corps of Engineers to reject the river crossing
106 permit for the Dakota Access Pipeline, under section 10 of the Rivers and Harbors Act;
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108 **THEREFORE BE IT FURTHER RESOLVED** that the Washington State Democratic
109 Central Committee calls upon the U.S. Senate Committee on Indian Affairs to conduct
110 an oversight hearing on the failure of the Department of the Interior and the Army
111 Corps of Engineers to respect Tribal sovereignty and comply with the National
112 Environmental Policy Act, National Historic Preservation Act, Executive Order 13175
113 and other Treaties, laws and executive orders that apply to the development of oil and
114 gas pipelines on and near Indian land in the Great Plains Region;
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116 **THEREFORE BE IT FURTHER RESOLVED** that the Washington State Democratic
117 Central Committee requests an Oversight Hearing be held by the Senate Environment
118 & Public Works Committee for the purpose of requiring the US Army Corps of
119 Engineers to adhere to the Treaties, to provide meaningful consultation with American
120 Indian Tribes and to adhere to the NAGPRA, and preservation of Tribal Spiritual and
121 historic Sites of American Indian Tribes; and
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123 **THEREFORE BE IT FINALLY RESOLVED** that the Washington State Democratic
124 Central Committee fully supports the rights of all Americans to both assemble and
125 speak freely, and to work without feeling threatened or unsafe, and we urge everyone
126 involved in pipeline activities, including the water protectors, to adhere to the
127 principles of non-violence.

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130 Submitted by the Native American Caucus. (Date Submitted 9/16/2016)

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132 The Resolutions Committee amended this resolution and included it in the "DO PASS"
133 slate at its September 17, 2016 meeting.

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135 The WSDCC "PASSED" this resolution as amended at its September 17, 2016 meeting in
136 Yakima.