



## **BACKGROUND ON THE DAKOTA ACCESS PIPELINE**

The Standing Rock Sioux Indian Reservation is home to Dakota and Lakota people of the Standing Rock Sioux Tribe. Since time immemorial, they have lived and governed a vast territory throughout North and South Dakota, and parts of Montana, Wyoming, Minnesota, Iowa and Nebraska. Currently, the Tribe is located in central North and South Dakota.

Despite strong objections from the Tribe from the first time they heard of the project, the U.S. Army Corps of Engineers (Army Corps) granted authorization on July 25, 2016 to the Dakota Access Pipeline to cross Lake Oahe as part of the construction of a 1,100-mile pipeline that is proposed to carry over a half-million barrels of Bakken crude oil to Illinois and across four states. The current route of construction takes the pipeline less than one half mile from the Tribe's reservation border, and thus the Tribe maintains a sovereign interest in protecting its cultural resources and patrimony that remain with the land. In addition, all along the route of the pipeline are sites of religious and cultural significance to our people, including burial sites of our ancestors. The pipeline would cross the Tribe's traditional and ancestral lands and the construction of the pipeline jeopardizes many sacred places. But, while federal law requires meaningful consultation with the Tribe on these matters, that has not happened here. The Tribe opposes DAPL because we must honor our ancestors and protect our sacred places and our precious waters.

Initially, Dakota Access considered two possible routes of construction: a northern route near Bismarck, and the southern route taking the pipeline to the border of the Standing Rock reservation. Federal law requires the Army Corps—and ultimately deny or grant—Dakota Access' application for the necessary permits to construct the pipeline because the southern route takes the pipeline across the Missouri River and Lake Oahe, implicating lands and water under federal jurisdiction.

In the initial environmental assessment, the maps utilized by Dakota Access—and reviewed and incorporated by the Army Corps—did not indicate that the Tribe's lands were within one half mile of the proposed crossing of Lake Oahe. Furthermore, the company selected this route because the route to the north would be near and could jeopardize the drinking water of the residents in the city of Bismarck. The company's initial draft environmental assessment of December 9, 2015 made no mention of the fact that the route they chose brings the pipeline near, and could jeopardize, the drinking water of the Tribe and its citizens. It actually omitted the very existence of the tribe on all maps and any analysis, in direct violation of the US environmental justice policies.

The Standing Rock Sioux Tribe has been actively opposing the permitting and construction of the Dakota Access Pipeline since the Tribe first learned of the proposal in 2014 and the pipeline's proposed construction. The Tribe has voiced its strong opposition to the company, to the federal government, to

Congress, and to the State. Yet, the Tribe's plea was ignored and instead the US sided with the project developer. From the beginning, the Tribe's Tribal Historic Preservation Office requested tribal consultation, but their requests were never fulfilled.

The Tribe continued its efforts to engage as many decision-makers as possible and actively oppose the Dakota Access Pipeline. The Tribe submitted several sets of detailed comments to the Corps, met with high level officials in Washington, DC, and communicated on numerous occasions with the North Dakota Congressional delegation over the past few months. The Tribe specifically met with numerous federal agencies to discuss the harm imposed by the pipeline, including: the Environmental Protection Agency, the Department of the Interior, and the Advisory Council on Historic Preservation. All three agencies subsequently wrote letters to the Army Corps expressing environmental and cultural resource concerns related to the pipeline.

### **LITIGATION**

The Tribe filed litigation in federal court in the District of Columbia to challenge the actions of the Army Corps, undo the approval of the pipeline, and enforce their federally protected rights and interests. The lawsuit alleges that the Army Corps violated multiple federal statutes, including the Clean Water Act, National Historic Protection Act, and National Environmental Policy Act, when it issued the permits. The Army Corps has failed to follow the law—both regarding the risk of oil spills and the protection of their sacred places. The Cheyenne River Sioux Tribe is also a part of the lawsuit against the Army Corps.

On Sept. 9, 2016, The Department of Justice, the Department of the Army, and the Department of the Interior called for a stop to construction of the Dakota Access Pipeline on federal lands while also calling for national reform to “ensure meaningful tribal input” on infrastructure projects. Their announcement came in the wake of a court decision by the U.S. District Court which denied the Tribe's request for injunction to halt pipeline construction.

The tribes immediately appealed the court decision and are currently waiting for a ruling on the injunction pending appeal. In the meantime, construction remains halted on federal lands.

### **SUPPORTERS**

Nearly 300 Tribes and First Nations have passed resolutions and/or written letters in support of Standing Rock, including the Cheyenne River Sioux Tribe, Crow Creek Tribe, the Oglala Sioux Tribe, the Rosebud Sioux Tribe, Navajo Nation, Cherokee Nation, and others.

Recently, cities from across the country have passed resolutions in support of the Tribe, including Los Angeles, Calif., Seattle, Wash., Cleveland, Ohio, Minneapolis, Minn., Portland, Ore., St. Louis, Mo., and several others.

Thousands of supporters between Native organizations, conservations groups, businesses, ministries and congregations, celebrities, influential leaders, labor unions, student groups, and organizations such as the United Nations Human Rights Council also show their support in various ways.

Senator Bernie Sanders has advocated for the Tribe and nearly two dozen members of Congress recently sent a letter to the White House requesting that the Obama administration intervene to stop construction of the controversial Dakota Access Pipeline in North Dakota.

Tribal citizens continue to join Oceti Sakowin Camp, which consists of nearly 4,000 people. The Tribe continues to stress the importance of handling this matter in the right way, which means that non-violence must be the guiding principle at all times. And the Tribe will do all it can so that the safety of everyone involved is safeguarded and protected.

In addition, Standing Rock youth and tribal members (ages 6-25) from the reservation ran 2,200 miles to Washington, D.C. to deliver a petition with 160,000 signatures on Change.org opposing the pipeline to the President of the United States. After running for 2,200 miles, they were only able to meet with Army Corps officials, and held several rallies along the way.

To find out how to take action and get involved, please visit [www.standingrock.org](http://www.standingrock.org).