

Native American Fish and Wildlife Society

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RESOLUTION

OPPOSITION TO THE DAKOTA ACCESS PIPELINE.

RESOLUTION NO. 16-001

WHEREAS, the Native American Fish and Wildlife Society (“NAFWS”) was established in recognition of the importance and respect accorded to fish and wildlife by Native American people; and

WHEREAS, the NAFWS is composed of Indian Tribes, organizations and people as well as federal and state agency representatives forming “a national Native organization to aid in the development and protection of Indian fish and wildlife resources”; and

WHEREAS, the NAFWS is dedicated “to the earth that began with our own beginning, and pledge to our fellow creatures that cannot be broken”; and

WHEREAS, the United States has a trust obligation to protect and preserve Tribal trust resources, including Tribal lands, water and wildlife, both through Treaties entered into with the sovereign Tribes and Nations of the Great Plains Region, and by federal law including the Snyder Act, the Indian Self-determination Act and numerous other federal statutes and policies; and

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

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

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

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

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

WHEREAS, the Dakota Access Pipeline threatens the integrity of Tribal sacred sites and historic and archaeological resources; and

WHEREAS, the potential for an oil spill from the proposed Dakota Access Pipeline poses unacceptable risk to the waters of the Tribes and Nations in the NAFWS Plains and Great Lakes Regions, and to fish and wildlife critical to the survival of our way of life; and

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

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

WHEREAS, the federal agencies responsible for the requisite environmental review under NEPA and the evaluation of adverse effects on cultural resources under section 106 of the NHPA have improperly segmented the project, in order to contravene the comprehensive environmental and cultural reviews that are required under federal law, thereby jeopardizing the land and waters of the NAFWS Plains and Great Lakes Regions.

NOW THEREFORE BE IT RESOLVED, that the NAFWS hereby strongly opposes the Dakota Access Pipeline.

BE IT FURTHER RESOLVED, that the NAFWS calls upon the Army Corps of Engineers to fully comply with the National Environmental Policy Act, through the preparation of an environmental impact statement on the entire Dakota Access Pipeline, including a comprehensive risk assessment from a potential oil spill at the crossing of the Missouri River and all other waterways.

BE IT FURTHER RESOLVED, that the NAFWS calls upon the Army Corps of Engineers to fully comply with section 106 of the National Historic Preservation Act for the entire length of the Dakota Access Pipeline.

BE IT FURTHER RESOLVED, that the NAFWS calls upon the Army Corps of Engineers to reject the river crossing permit for the Dakota Access Pipeline, under section 10 of the Rivers and Harbors Act.

BE IT FURTHER RESOLVED, that the NAFWS is authorized to develop a common strategy to protect Tribal natural resources, wildlife and cultural resources from the Dakota Access Pipeline.

BE IT FURTHER RESOLVED, that the NAFWS calls upon the U.S. Senate Committee on Indian Affairs to conduct an oversight hearing on the failure of the Department of the Interior and the Army Corps of Engineers to respect Tribal sovereignty and comply with the National Environmental Policy Act, National Historic Preservation Act, Executive Order 13175 and other Treaties, laws and executive orders that apply to the development of oil and gas pipelines on and near Indian land in the NAFWS Plains and Great Lakes Regions.

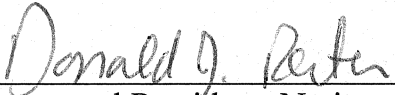
BE IT FINALLY RESOLVED, that this Resolution shall be the policy of the NAFWS unless and until withdrawn by subsequent resolution.

Resolution No. 16-001

CERTIFICATION


This resolution was enacted at a duly called meeting of the Native American Fish and Wildlife Society on May 17, 2016 at which a quorum was present, with 43 members voting in favor, 0 members opposed, and 0 members abstaining.

Dated this 17th Day of May, 2016.



Chairman and President, Native American
Fish and Wildlife Society

Attest:



Secretary-Treasurer, Native American Fish and
Wildlife Society