A RESOLUTION OF THE TRIBAL COUNCIL OF THE
DELAWARE TRIBE OF INDIANS TO UNITE WITH
THE STANDING ROCK SIOUX TRIBE AGAINST THE
DAKOTA ACCESS PIPELINE

RESOLUTION 2016-46
Authored by Nicky Kay Michaud, PhD

WHEREAS, the Delaware Tribal Council is authorized by Article V of the Constitution and Bylaws of the Delaware Tribe of Indians to represent and act in all matters that concern the general welfare of the Tribe; and,

WHEREAS, the Delaware Tribe of Indians is known by other Algonquian and eastern woodlands as the Grandfather Tribe as the oldest living Tribe; and

WHEREAS, water is an essential element of all Native and non-Native life and has been a vital aspect of many indigenous religions, traditions and culture practices for thousands of years; and

WHEREAS, the general welfare, health, and sustainability of the Delaware Tribe of Indians and all other Native peoples depends on the protection of clean water; and

WHEREAS, the Dakota Access Pipeline threatens public health and welfare on and off of the Standing Rock Indian Reservation and all other tribal nations along the Missouri River; and

WHEREAS, all tribal nations have an inherent right and responsibility to protect and sustain ancestral lands, sacred and historic sites through federal protections and laws; and

WHEREAS, the Dakota Access Pipeline, LLC has proposed to construct, 1,100 miles of 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, the U.S. Army Corps of Engineers has given its approval for the Dakota Access Pipeline to run within a half-mile of the Standing Rock Reservation without legal and federal protections commonly referred to as Section 106 Consultation or consent; and

WHEREAS, the 1,172 mile Dakota Access Pipeline will cross Lake Oahe and the Missouri River as well, and disturb burial grounds and burial grounds on the tribal nation’s ancestral treaty lands; and

WHEREAS, recent oil spills, including the release of 80,000 gallons of oil near Tioga, North Dakota in October 2013; 5100 barrels of crude oil per day was released into the Yellowstone River upstream from Glendale, 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 Kalamazoc River in July 2010, demonstrate the danger in downstream communities and fish and wildlife from oil and gas pipelines such as Dakota Access; and
WHEREAS, Water Rights of Native Americans was confirmed in treaties and federal law including the 1868 Fort Laramie Treaty and Winters v. United States, 207 U. S. 564 (1908); and

WHEREAS, Winters v. United States confirmed reserved water rights for Tribes, specifically when Tribal Reservations were created, and Tribes are entitled to enough water to sustain life; and

WHEREAS, the Missouri River and its tributaries including the local Big Sioux River, give subsistence to the Native people in the Great Plains for clean water, religious practices, fishing, economic development, agriculture, and tourism, thereby have rights to clean water; and

WHEREAS, the Delaware Tribe of Indians recognize that the Standing Rock Sioux and many other tribal nations stand in opposition to the Keystone XL Pipeline, also known in this case as the Dakota Access Pipeline; and

WHEREAS, the Delaware Tribe of Indians is unites with the Standing Rock Sioux in strong opposition to approval of the Dakota Access Pipeline; and

NOW THEREFORE BE IT RESOLVED, that the Delaware Tribe of Indians does hereby urge the Secretary of Interior, Sally Jewell and the Acting Assistant Secretary of Indian Affairs, Lawrence S. Roberts, to take any and all steps necessary to protect the environment and water resources of the Standing Rock Sioux and all other Missouri River Tribes;

NOW THEREFORE BE IT RESOLVED, that the Delaware Tribe of Indians does hereby request Commanding General and Chief Engineer, Lieutenant General Todd T. Semonite to review this series of actions and direct that issuance of permits and any construction be halted until such a time as the government-to-government consultation process can be fully implemented not only as to the process but the inherent spirit of recognizing the sovereignty of the Standing Rock Sioux Tribe and all other Missouri River Tribes;

BE IT FURTHER RESOLVED, the Delaware Tribe of Indians urges Congress and the President of the United States to halt the construction of the Dakota Access Pipeline and require federal agencies to effectively conduct meaningful and binding consultation to produce and acceptable resolution to the potential hazards posed by the Dakota Access Pipeline construction.

CERTIFICATION

I hereby certify that the foregoing was considered by the Delaware Tribal Council of the Delaware Tribe of Indians and adopted this 20th day of September, 2016 with a vote of 5 yes, 0 no, and 0 abstaining.

Chet Brooks, Chief

Bonnie Jo Griffith, Assistant Chief