



## A RESOLUTION OF THE TRIBAL COUNCIL OF THE DELAWARE TRIBE OF INDIANS OPPOSING THE PLAINS ALL AMERICAN RED RIVER II PIPELINE

### RESOLUTION 2016-49

*Authored by Nicky Kay Michael, 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 Plains All American Red River II Pipeline is being built through Cleveland County Oklahoma and has the potential to impact numerous tribal nations along the projected route including but not limited to the Chickasaw, Kickapoo, Absentee Shawnee, Citizen Potawatomi, and Sac and Fox nations.

**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 Plains All American Red River II Pipeline has not gained the legal and proper consultation process with the Caddo Nation having indigenous consultation rights to areas along the route; and

**WHEREAS**, the Plains All American Red River II Pipeline, will cross the North Canadian river, the Canadian river twice, and the Deep Fork river (all of which lead to Lake Eufala), the Washita river (which leads to Lake Texoma and the Red River); and

**WHEREAS**, the Plains All American Red River II Pipeline is being built by a company who has a history of spills, 175 EPA safety and maintenance violations and 46 criminal charges, four of which are felonies.

**WHEREAS**, recent upsurge in the number earthquakes will cause stress on the pipelines and cause damage for the near and far future causing stress and damage to the pipes; and

**WHEREAS**, Water Rights of Native Americans was confirmed in treaties and federal law including

*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, which supersedes Oklahoma statehood, were created, and Tribes are entitled to enough water to sustain life; and

**WHEREAS**, the Delaware Tribe of Indians recognize that the Caddo Nation and many other tribal organizations, such as Stop the Red River-All Americans Plains Pipeline stand in opposition to the Plains All American Red River II Pipeline; and

**WHEREAS**, the Delaware Tribe of Indians is unites with the Red River - Stop the All Americans Plains Pipeline in strong opposition to approval of the Plains All American Red River II 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 along the route of the Plains All American Red River II Pipeline;


**NOW THEREFORE BE IT RESOLVED**, that the Delaware Tribe of Indians does hereby request Cleveland County and the City of Norman 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 impacted Tribes;

**BE IT FURTHER RESOVLED**, the Delaware Tribe of Indians urges Congress and the President of the United States to halt the construction of the Plains All American Red River II Pipeline and require federal agencies to effectively conduct meaningful and binding consultation to produce and acceptable resolution to the potential hazards posed by construction of said pipeline.

#### CERTIFICATION

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

  
Chet Brooks, Chief

  
Attested by: Annette Ketchum, Secretary

