Congress of the United States
Washington, DC 20515

September 29, 2016

President Barack Obama
The White House
1600 Pennsylvania Avenue, N.W.
Washington, D.C. 20500

Dear President Obama:

We write to you because of our grave concerns about the Army Corps of Engineers' approval of Dakota Access LLC's construction of the Dakota Access Pipeline, the effects of which have been highlighted by the growing public opposition to the project. Over the past several weeks, the mounting opposition to the pipeline has grown exponentially, uniting and mobilizing Native American tribes across the country in an unprecedented manner.

On Friday, your Administration took necessary action by denying the authorization of construction on Army Corps owned land and under Lake Oahe pending a review of prior decisions under the National Environmental Policy Act and government-to-government consultation with the tribes. We applaud this pause and urge you to go further -- like you did with your rejection of the Keystone XL pipeline -- to require a full environmental review and expanded consultation along the full route of the Dakota Access Pipeline.

Your Administration has worked tirelessly to restore a respectful relationship with Native American tribes, committing to increased tribal consultation and preservation of tribal culture and ancestral lands. You rightly endorsed the United Nations Declaration on the Rights of Indigenous Peoples in 2010, you've recognized tribe's inherent power to exercise special criminal jurisdiction over non-Indian offenders, and you have just announced a tri-lateral commitment with Canada and Mexico to work with Indigenous Peoples on violence against indigenous women. You can and should extend your historic legacy by withdrawing the permits for the Dakota Access Pipeline and ensuring a comprehensive environmental review with rigorous and meaningful tribal consultations.

The Dakota Access Pipeline project would extend 1,168 miles across North Dakota, South Dakota, Iowa, and Illinois carrying 450,000 barrels of fracked oil per day from the Bakken oil fields in North Dakota to terminals and refineries along the Gulf of Mexico. This pipeline would cut through the Standing Rock Sioux Tribe's ancestral lands and pass within half a mile of its current reservation. Not only would the Dakota Access Pipeline threaten sacred sites and culturally important landscapes, it would also cross under the Missouri River just upstream of the Tribe's drinking water supply. If there were to be a spill – which history has taught us is a serious possibility – it would constitute a dire threat to the Tribe's culture and way of life. The pipeline poses significant threats to the environment, public health, and tribal and human rights.

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The United Nations Permanent Forum on Indigenous Issues for the United States has called on your Administration to allow for adequate consultation of the Standing Rock Sioux Tribe stating that moving ahead with construction of this pipeline would be in violation of the United Nations Declaration on the Rights of Indigenous Peoples. Halting construction on this project until transparent and impartial consultation can be conducted is necessary to avoid further escalation and tribal rights abuses. We call on your administration to intervene on this matter to ensure the safety of everyone involved.

On its face, the Dakota Access Pipeline should be stopped in its tracks as it is an assault on the water we drink and the culture and sacred sites of the Standing Rock Sioux tribe. In Energy Transfer's desperate scramble to force this project as quickly as possible and before the courts have a chance to weigh in, they irresponsibly dispatched private security guards with attack dogs and bulldozers aimed to provoke hundreds of courageous protesters defending their heritage, their land, and their water. It was an insensitive and reckless effort that has already resulted in the desecration of centuries-old artifacts that can never be replaced.

Dakota Access Pipeline is an unacceptable example of an oil pipeline project being permitted without adequate public engagement or sufficient environmental review. The permits for the Dakota Access Pipeline project were granted using the Army Corps' Nationwide Permit 12, a fast track permitting process that has allowed the oil and gas industry to build numerous fossil fuel pipelines across the country, even on private property, without any project-specific environmental review or public input process for tribal governments or citizens. Given the size, scale, environmental risks, and controversy, Dakota Access pipeline should have received a more thorough review and analysis under the Clean Water Act, National Environmental Policy Act, National Historic Preservation Act, and the Native American Graves Protection and Repatriation Act, as well as to fulfill federal trust responsibilities guaranteed in the 1851 and 1868 United States treaties with the Lakota, Dakota, and Nakota tribes.

The Clean Water Act's general permit program was not intended for massive interstate pipelines that transport hazardous fossil fuels for hundreds of miles through communities and waterways and pose grave risks of leaks, spills, and explosions. The National Environmental Policy Act requires a full environmental impact statement (EIS) be completed for major actions that affect the environment. This process is the only way to ensure that the risks and impacts from these projects have been identified, analyzed, and properly mitigated, and ensure that the families and communities that stand to be affected by a disaster have an opportunity to have their voices heard in the pipeline review process.

We, the Members of Congress signed below; support the tribes and landowners along the pipeline route in their fight against the Dakota Access Pipeline project. We urge your Administration to direct the Corps to initiate a transparent permitting process that includes public notice and participation, formal tribal consultation, and adequate environmental review of the pipeline. Until that occurs, construction of this project in areas of federal jurisdiction should not be allowed to continue.

Thank you for your consideration of this important matter.

Sincerely yours,

Raúl M. Grijalva
Ranking Member
Committee on Natural Resources

Jared Polis
Member of Congress

Member of Congress

Member of Congress

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