



November 12, 2016

The Honorable Barack Obama
President of the United States
The White House
1600 Pennsylvania Avenue
Washington, D.C.

Re: Respect Standing Rock Sioux People and Sacred Grounds Move the Pipeline

Dear President Obama:

We agree with you, and with our Native American sisters and brothers regarding the proposed Dakota pipeline that would run along sacred grounds at the Standing Rock Sioux Reservation: “[T]here is a way for us to accommodate sacred lands of Native American.”¹

Indeed there is a way to respect the Sioux people and sacred grounds by guarding against the proposed pipeline. The U.S. Army Corps of Engineers must withhold permits for the \$3.7 billion Dakota Access pipeline because the pipeline would cross a navigable waterway. The Army Corps of Engineers emphasizes that permits and projects on navigable waterways including rivers need to comply with the President's Executive Order 12898 on environmental justice and health. See Army Corps of Engineers, *Los Angeles River Ecosystem Restoration, Integrated Feasibility Report: Final Feasibility Report and Environmental Impact Statement/Environmental Impact Report* (Sept. 2015).² The same reasoning applies to the proposed Dakota pipeline.

The Order protects Native Americans against unjustified and unnecessary discriminatory impacts, as well as intentional discrimination, in permitting decisions by the Army Corps of Engineers. The Order requires the Corps to identify and address disproportionately high and adverse human health and environmental effects of its programs, policies, and activities, including permitting decisions on Indian tribes and other minority and low income populations. Environmental justice concerns may arise, as they do here, from impacts on the natural and physical environment, including human health and ecological impacts, and from related social or economic impacts.³

What are the pipeline’s merits and its true costs, including the risk of harm to the sacred lands, with full and fair participation by Native Americans? Who would benefit from alternative routes, and who would be harmed?

The Dakota and Lakota of the Standing Rock tribe at Standing Rock face the risk of grave damage to their sacred grounds and water supply from the proposed pipeline and permitting decision. No one else does. The proposed route threatens places that have been part of the Sioux’s ancestral lands since antiquity. Construction, leaks, and spills would damage their sites of deep cultural and historic significance, including burial grounds. The pipeline was shifted towards the tribe's sacred lands, away from Bismarck, N.D., because federal regulators saw it as a potential threat to that city’s water supply. The threats cannot be shifted from the city to the Dakota

¹ Interview with President Barack Obama, Nov. 2, 2016. Available at <https://mobile.twitter.com/nowthisnews/status/793836067539431424>.

² Relevant excerpts from the report are available at www.cityprojectca.org/blog/wp-content/uploads/2016/01/Relevant-Excerpts-LA-River-USACE-20160112.pdf.

³ *Id.* at 5-161 to -162. See also the Equal Protection Clause of the Fourteenth Amendment to the United States Constitution; Section 1983 of the Civil Rights Act of 1871.



and Lakota of the Standing Rock tribe.

The pipeline would move half a million barrels of crude oil a day across the Plains. "But in a time of oil gluts and plummeting oil prices, is it worth it? Is it worth the degradation of the environment, the danger to the water, the insult to the heritage of the Sioux," asks The New York Times.⁴ The answer is a resounding *No!*

The threats to the sacred lands at Standing Rock reflect a history and pattern of discrimination against the Sioux. A national monument in the Black Hills of South Dakota lies not far away. The monument stands on sacred land, that land was stolen from the Sioux by the government and plundered for gold, and the monument celebrates the settlers who took so much of the Native American lives, culture, and land.⁵

Under President George W. Bush, the Secretary of the Navy⁶ and a Major General in the Marine Corps⁷ each wrote a letter against a proposed toll road project that would have devastated the Native American Acjachemen sacred site of Panhe and San Onofre State Beach in Southern California in 2010. The Secretary of Commerce upheld the decision to stop the project. The California Coastal Commission stopped the project in part because of the impact on Native Americans alone.⁸ The U.S. Army should stop the project along the Native American sacred grounds.

Enough is enough. Please do not allow the proposed pipeline to threaten the Lakota and Dakota people and their sacred grounds at the Standing Rock Sioux Reservation. The Army Corps of Engineers must deny any permit that threatens these values. Thank you.

Very truly yours,

Mark Magaña
President & CEO
GreenLatinos

Robert García
GreenLatinos Board Member
Founding Director and Counsel
The City Project

Robert Bracamontes

Robert (Bob) Bracamontes
Yu-va'-tal 'A'Illa-mal (Black Crow)
Acjachemen Nation, Juaneno Tribe

⁴ Editorial, *Time to Move the Standing Rock Pipeline*, N.Y. Times, Nov. 4, 2016. Available at www.nytimes.com/2016/11/04/opinion/time-to-move-the-standing-rock-pipeline.html.

⁵ PBS American Experience, *Native Americans and Mount Rushmore*. Available at www.pbs.org/wgbh/americanexperience/features/biography/rushmore-sioux.

⁶ www.cityprojectca.org/blog/wp-content/uploads/2010/06/Navy-Letter-to-Senator-Feinstein-re-TCA-Marine-Corps-Base-20100222.pdf.

⁷ www.sandiegouniontribune.com/sdut-toll-road-must-not-interfere-with-base-mission-2010mar28-story.html.

⁸ Decisions and Findings by the U.S. Secretary of Commerce, Dec. 18, 2008. Available at www.cityprojectca.org/blog/wp-content/uploads/2008/12/tca_decision-2008.pdf. The California Coastal Commission rejected the project in response to public comments based in part on Executive Order 12898, statutory civil rights, and Constitutional equal protection grounds. At least one Commissioner explicitly concluded that the harm against the Native American people was reason enough to reject the project. See public comments by United Coalition to Protect Panhe and The City Project to the Secretary of Commerce, Oct. 2, 2008, www.cityprojectca.org/ourwork/documents/PublicCommentsUCPPCityProjectCommerce20081002.pdf.