

**RESOLUTION NO. 2016-25**

**RESOLUTION EXPRESSING CONCERN REGARDING ALLEGED VIOLATION OF DUE PROCESS AND LACK OF MEANINGFUL TRIBAL CONSULTATION REGARDING PERMITS FOR THE DAKOTA ACCESS PIPELINE**

**WHEREAS**, the proposed Dakota Access Pipeline would carry as many as 570,000 barrels of hydraulically-fractured ("fracked") crude oil per day for more than 1,170 miles from the Bakken oil fields of North Dakota to Illinois, passing over sensitive landscapes including Treaty-protected land containing recognized cultural resources and across or under 209 rivers, creeks, and tributaries; and

**WHEREAS**, despite deep opposition from the Standing Rock Sioux Tribe, as well as farmers, scientists, more than 30 environmental advocacy groups, and other Tribal nations along the proposed route, and without Tribal consultation or meaningful environmental review as required by federal law, in July, 2016, the U.S. Army Corps of Engineers issued a permit allowing construction of the fracked oil pipeline to move forward; and

**WHEREAS**, in a complaint filed in Federal District Court on July 27, 2016, the Standing Rock Sioux Tribe alleges, among other allegations, serious violations of the due process requirements of the National Historic Preservation Act (NHPA). In particular, federal agencies "must complete the section 106 process prior to the approval of the expenditure of any Federal funds on the undertaking or prior to the issuance of any license." According to the complaint, The US Army Corp of Engineers did not follow or complete the proper process of consultation with the Tribe prior to issuance of permits; and

**WHEREAS**, on August 31, 2016, the chair and members of the United Nations Permanent Forum on Indigenous issued a statement finding that "The [Dakota Access Pipeline] project was proposed and planned without any consultation with the Standing Rock Sioux or others that will be affected by this major project. The lack of consultation with the Indigenous peoples concerned triggered the filing of the lawsuit against the Army Corps of Engineers, who approved its construction. The pipeline would adversely affect not only the security and access to drinking water of the Sioux and millions of people living downstream of the Missouri River, but it would also destroy archaeological, historical and sacred sites of the Sioux"; and

**WHEREAS**, on August 15, 2016, the Standing Rock Sioux Tribal Council, led by Tribal Chairman David Archambault II, called on Tribal nations, Indigenous people and organizations around the world to issue resolutions in support of the Standing Rock Sioux and the Sacred Stones Camp; and

**WHEREAS**, Whatcom County is the home of the Nooksack Indian Tribe and the Lummi Nation, and Bellingham is the home of many Coast Salish families to this day; and

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City of Bellingham  
City Attorney  
210 Lottie Street  
Bellingham, Washington 98225  
360-778-8270

**WHEREAS**, in 2014, the City of Bellingham designated the second Monday of every October as Coast Salish Day in honor of the inhabitants of our region since time immemorial; and

**WHEREAS**, Bellingham and Whatcom County have recent and relevant experience with a US Army Corp of Engineer's permit application directly affecting the treaty-protected rights, cultural assets, and environmental resources of a local tribe, namely, the Lummi Nation; and

**WHEREAS**, in a letter dated January 26, 2015, the Mayor and City Council of Bellingham urged federal authorities and the US Army Corps of Engineers to respect those treaty rights and to properly weigh the impacts of a proposed major project on those rights prior to any permit decision; and

**WHEREAS**, on September 9, 2016, the federal government voluntarily called for a halt to all Dakota Access Pipeline work, and the Department of Justice, the Army Corps of Engineers, and the Department of the Interior released a joint statement that the federal agencies will not authorize further pipeline work "until it can determine whether it will need to reconsider any of its previous decisions" in light of "important issues raised by the Standing Rock Sioux Tribe and other tribal nations and their members regarding the Dakota Access Pipeline specifically, and pipeline-related decision-making generally;"

**NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BELLINGHAM:**

**That** the Bellingham City Council recognizes the underlying similarities and shared issues between recent US Army Corps of Engineer's permit decisions in Whatcom County and recent permit decisions in North and South Dakota, and wishes to take the same principled stand for other communities as we have taken for our own community; and

The Bellingham City Council insists that all federal agencies, including the US Army Corps of Engineers, follow all legal requirements of the NHPA and other federal regulations, and fully respect the status and the Treaty Rights of recognized Tribal entities; and

The Bellingham City Council supports the efforts of the Standing Rock Sioux and the Cheyenne River Sioux Tribes to protect the environment, to preserve Native burial grounds, to maintain cultural heritage, and to preserve Treaty Rights against the harmful transport of fossil fuels across vulnerable and protected lands.

**BE IT FURTHER RESOLVED** that, the Bellingham City Council expresses our solidarity in opposition to the construction of the Dakota Access Pipeline across Standing Rock Sioux territory.

**PASSED** by the Council this 12<sup>th</sup> day of September, 2016.

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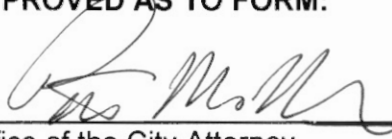
  
Council President

APPROVED by me this 19<sup>th</sup> day of September, 2016.

  
Mayor

ATTEST:   
Finance Director

APPROVED AS TO FORM:

  
Office of the City Attorney

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