



NATIONAL CONGRESS OF AMERICAN INDIANS

The National Congress of American Indians Resolution #PDX-20-068

TITLE: Resolution Calling Upon President Biden To Stop The KXL And DAPL Pipelines From Irreversibly Damaging Mother Earth

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WHEREAS, we, the members of the National Congress of American Indians of the United States, invoking the divine blessing of the Creator upon our efforts and purposes, in order to preserve for ourselves and our descendants the inherent sovereign rights of our Indian nations, rights secured under Indian treaties and agreements with the United States, and all other rights and benefits to which we are entitled under the laws and Constitution of the United States and the United Nations Declaration on the Rights of Indigenous Peoples, to enlighten the public toward a better understanding of the Indian people, to preserve Indian cultural values, and otherwise promote the health, safety and welfare of the Indian people, do hereby establish and submit the following resolution; and

WHEREAS, the National Congress of American Indians (NCAI) was established in 1944 and is the oldest and largest national organization of American Indian and Alaska Native tribal governments; and

WHEREAS, the Tribal Nations of the Great Plains, the Rocky Mountain and other Regions oppose the Keystone XL (KXL) Pipeline and Dakota Access Pipelines (DAPL); and

WHEREAS, the KXL pipeline would carry tar sands oil from Alberta, Canada across 1,179 miles through Montana and South Dakota before reaching Nebraska, connecting there to an existing pipeline network to deliver crude to refineries on the Gulf of Mexico; and

WHEREAS, the KXL pipeline would cross some 20 miles of waterways; and

WHEREAS, tar sands oil is highly volatile, thicker, and more corrosive than lighter conventional crude, and the characteristics of tar sand oil increases the likelihood that a pipeline carrying it will leak and a spill (if detected at all) is very difficult, if not practically impossible, to clean up. As we know, any pipeline will leak – it is just a question of when; and

WHEREAS, since it was first proposed in 2008, Tribal Nations on both sides of the Medicine Line (US-Canada border) have been concerned about the immense risks that KXL poses, for Indigenous Peoples and non-Native people, endangered wildlife, land, water, and Grandmother Earth; and

WHEREAS, the construction of the KXL pipeline would cause irreparable harm because it would cross through the territory of many Native nations, including the Member Tribes of the National Congress of American Indians, without our consent – violating our treaty rights and our sovereignty; and

WHEREAS, the construction of the KXL pipeline would desecrate sacred sites, and potentially expose Native women and girls to violence and sexual assaults arising from “man camps”; and

WHEREAS, many wide-ranging environmental impacts would devastate many Native nations, including the Member Tribes of the National Congress of American Indians; the Keystone XL pipeline would cross over the Ogallala Aquifer, which supplies water to Nebraska and surrounding states in the “breadbasket” of America; and

WHEREAS, the extraction of oil from tar sands alone destroys wildlife habitats, flattens Canada’s boreal forests, depletes freshwater resources, threatens the health and livelihood of indigenous peoples, and creates massive amounts of toxic waste, while creating three to four times the carbon pollution of normal crude extraction and processing; and

WHEREAS, the processing and refining of oil from tar sands produces petroleum coke, a hazardous waste by-product; and

WHEREAS, the outgoing President denies climate change is man-made and last year signed a cross-border construction permit for Keystone XL, taking it out of the State Department’s hands after years of legal wrangling over the department’s environmental review of the planned route; and

WHEREAS, the outgoing President ignored the damage to the environment and the existential threat of climate change, as evidenced by increased hurricanes, tornadoes, blizzards, torrential rains, drought, wildfire, destruction of tribal territories, damage to Grandmother Earth, and extinction of native animal and plant species and permitted the KXL Pipeline to proceed and sued to remove environmental review; and

WHEREAS, Climate Change has exposed the outgoing President’s disregard for Grandmother Earth through Hurricanes, Tornadoes, Floods, and Massive Wildfires, yet he continues to deny Climate Change and has endangered Americans, Native Peoples and other Peoples throughout the World; and

WHEREAS, in *Rosebud Sioux Tribe v. Trump*, the Member Tribes of the National Congress of American Indians filed suit to protect Grandmother Earth from the dangers of the KXL Pipeline, and on October 16, 2020, the Federal District Court denied the request for preliminary injunctive relief to stop the KXL Pipeline immediately, the Court allowed the case to go forward and the Tribe will continue to seek to protect Grandmother Earth, treaty territory and our water; and

WHEREAS, the President-Elect has pledged to address Climate Change, promote new jobs through Green Energy, and reduce carbon emissions in the United States and worldwide under the Paris Climate Accord; and

WHEREAS, on July 6, 2020, the Biden—Harris Campaign announced that “Biden strongly opposed the Keystone pipeline in the last administration, stood alongside President Obama and Secretary Kerry to reject it in 2015, and will proudly stand in the Roosevelt Room again as President and stop it for good by rescinding the Keystone XL pipeline permit,” in a written statement; and

WHEREAS, in the *Standing Rock Sioux Tribe v. US ACOE* (NO DAPL Litigation), the Federal District Court ruled that the Army Corps violated Federal Environmental Law when it issued the easement for the DAPL Pipeline because it likewise evaded the requisite environmental review and wrongfully obtained an easement to cross the Missouri River, which threatens the Rosebud Sioux, Lower Brule, and Oglala Tribes' Mni Wiconi Water Project, and the Standing Rock Sioux and Cheyenne River Sioux Tribes' Water Projects; the Missouri River provides drinking water for 17 Million People in the Missouri River Basin; and

WHEREAS, the nearby Tribal Nations are "irreparably harmed by the ongoing operation of the pipeline, through the exposure to catastrophic risk, through the ongoing trauma of the government's refusal to comply with the law, and through undermining the Tribes' sovereign governmental role to protect their members and respond to potential disasters," (quoting tribal attorneys); and

WHEREAS, proper respect for treaties, territories, waters mandates that the KXL Pipeline and DAPL Pipelines be stopped; and

WHEREAS, the outgoing President has sought to undo the National Environmental Policy Act, which has protected America's Air, Lands, Environment and Waters since 1970; and

WHEREAS, the Dewey-Burdock Uranium Mine Project poses devastating effects on Mother Earth, sacred lands in the Black Hills, rivers, creeks, lakes and the Ogallala Aquifer by its proposed mining and re-injection of irradiated waters in the southern Black Hills; and

NOW THEREFORE BE IT RESOLVED, that the National Congress of American Indians (NCAI) calls upon the President-Elect of the United States, Joe Biden, to issue an Executive Order within his first week of Office to revoke the cross-border permit for the KXL Pipeline to remove this existential threat to Grandmother Earth, our NCAI Member Tribes and the Great Sioux Nation's traditional territories, waters, our Lakota People, and native fish, plants and animals; and

BE IT FURTHER RESOLVED, that NCAI calls upon the President-Elect of the United States to stop the KXL Pipeline once and for all because it is an existential threat to the environment, lands and waters; and

BE IT FURTHER RESOLVED, that NCAI calls upon President-Elect Biden, to issue an Executive Order within his first week of Office to shut down the Dakota Access Pipeline and permanently revoke its easement to cross the Missouri River, which creates an existential threat to Mother Earth, Tribal Nation traditional territories, waters, our Lakota People, native fish, plants and animals; and

BE IT FURTHER RESOLVED, that NCAI calls upon the President-Elect of the United States to stop the DAPL Pipeline once and for all because it is an existential threat to the environment, lands and waters; and

BE IT FURTHER RESOLVED that the President-Elect and his Administration should disapprove of the Dewey-Burdock Uranium Mine; and

BE IT FURTHER RESOLVED, that NCAI calls upon the next President of the United States, Congress, and the EPA to withdraw the destructive regulations of the outgoing President's Administration under NEPA and restore the EPA and NEPA to the rightful roles as the guardians of the American Environment; and

BE IT FURTHER RESOLVED that NCAI recognizes that this Resolution is emergency in nature because it is necessary to prevent irreparable damage to Mother Earth; and

BE IT FINALLY RESOLVED, that this resolution shall be the policy of NCAI until it is withdrawn or modified by subsequent resolution.

CERTIFICATION

The foregoing resolution was adopted by the General Assembly at the 2020 Annual Session of the National Congress of American Indians, held Nov 8, 2020 - Nov 13, 2020, with a quorum present.



Fawn Sharp, President

ATTEST:



Juana Majel Dixon, Recording Secretary