



NATIONAL CONGRESS OF AMERICAN INDIANS

The National Congress of American Indians Resolution #MSP-15-040

TITLE: Calling for Environmental Justice and a Full Environmental Impact Statement on Enbridge Energy's Proposed Tar-Sands Oil Pipeline Across Treaty-Ceded Territory in Minnesota

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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, 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, Manoomin, or Wild Rice, is a sacred food to the Anishinaabe of tremendous spiritual and cultural importance, a federally-protected tribal resource, and tribal harvesters in Minnesota are the largest producers of hand-harvested wild rice in the United States; and

WHEREAS, tribal governments throughout Minnesota and Wisconsin have significant concerns that the development of, and any release from, Enbridge Corporation's Sandpiper oil pipeline along its proposed route would have devastating impacts on unique spiritual and cultural resources, as the proposed pipeline route will cross directly through the most sensitive wild-rice producing lakes and rivers within the treaty-ceded territories in Minnesota; and

WHEREAS, over tribal objections, the Minnesota Public Utilities Commission (MPUC) rescheduled its determination meeting to a date two weeks earlier than the notice provided to tribes, and no testimony from the tribes' own hearings could be entered into the MPUC record; and

WHEREAS, the MPUC issued a project determination of need approval on June 5, 2015, without any tribal consultation, consideration of testimony, investigation of impacts to tribal resources, or environmental justice issues—raising the concern that future approvals will issue in a similarly perfunctory manner; and

WHEREAS, Enbridge has begun initial consultation with the U.S. Army Corps of Engineers regarding Section 404 Permits for the project, and the U.S. Environmental Protection Agency (EPA) will perform, at least, a consulting role under Section 106 of the National Historic Preservation Act and oversight on the Army Corps' environmental impact statement, pursuant to Section 309 of the Clean Air Act.

NOW THEREFORE BE IT RESOLVED, that the NCAI calls upon EPA to engage with the Army Corps immediately to stress concerns and advocate for the most thorough environmental review possible, including respect of tribal resources and environmental justice issues; and

BE IT FURTHER RESOLVED, that EPA must assist the appropriate Bands of Chippewa/Ojibwe to become designated as "cooperating agencies" during NEPA review; and

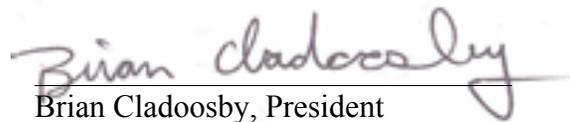
BE IT FURTHER RESOLVED, that EPA urge that a joint Federal-State Environmental Impact Statement be undertaken to enhance coordination around novel and complex tribal resource and environmental issues; and

BE IT FURTHER RESOLVED, that NCAI requests that EPA investigate whether the pipeline requires other federal environmental permits that fall within the agency's direct jurisdiction; require a jurisdictional determination be made by Army Corps; designate a high-level EPA official as a liaison to tribal governments on all aspects of the Sandpiper project; and meet with the affected tribes and bands following issuance of the recommendations from the June 5, 2015, hearing on the Sandpiper pipeline; 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 2015 Midyear Session of the National Congress of American Indians, held at the St. Paul River Centre, St. Paul, MN, June 28 to July 1, 2015, with a quorum present.


Brian Cladoosby, President

ATTEST:


Aaron Payment, Recording Secretary