



NATIONAL CONGRESS OF AMERICAN INDIANS

October 28, 2016

Lieutenant General Todd T. Semonite
United States Army Corps of Engineers
441 G Street NW
Washington, DC 20314

Attorney General Loretta Lynch
United States Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

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URGENT: REQUEST FOR STOP WORK ORDER AT DAKOTA ACCESS PIPELINE

Dear Lieutenant General Semonite and Attorney General Lynch,

As you know, the Standing Rock Sioux Tribe and many other Native people are opposing the Dakota Access Pipeline to protect the water supply and prevent destruction of cultural resources. The North Dakota police are rapidly escalating conflict near the construction site using military equipment provided by the federal government. Hundreds of peaceful Native protectors are locked in local prisons, and many more are suffering injuries from rubber bullets, baton strikes, and tear gas.

The Army Corps and the Obama Administration have a tremendous amount of responsibility for this conflict. In 2012, in Executive Order 13604, President Obama ordered that "Federal permitting and review processes must provide a transparent, consistent, and predictable path for both project sponsors and affected communities.... They must rely upon early and active consultation with State, local, and tribal governments to avoid conflicts (and) resolve concerns...." The permitting process for the Dakota Access Pipeline was anything but transparent, tribal consultation did not occur, and even the Department of Interior's concerns over tribal water supplies and cultural resources were ignored.

However, the Administration also has significant control over the conflict. The Army Corps has the authority and the responsibility to issue a "stop work" order in the immediate area of Lake Oahe. There can be no question that pushing ahead in this area is not in the public interest, and will likely result in more conflict. A stop work order will de-escalate the confrontation while providing additional time.

The Administration also has yet to make a decision about the easement under Lake Oahe, along with other needed permits. Meanwhile Dakota Access proceeds with construction towards the water despite the government's request that it stop. Every day the government's decision is delayed, tensions escalate and construction gets closer to the camps. It's time to make a decision. The easement should be denied or deferred pending a full review that considers route alternatives. This will allow the conflict to de-escalate, and provide a lawful process.

Thank you for prioritizing this urgent request, and for fulfilling the federal trust responsibility to protect the water and culture of the Standing Rock Sioux Tribe.

Sincerely,

Brian Cladoosby (handwritten signature)

Brian Cladoosby