



City Council Report

915 I Street, 1st Floor
Sacramento, CA 95814

www.cityofsacramento.org

File #: 2016-01523

December 6, 2016

Consent Item 01

Title: Supporting the Standing Rock Sioux Tribe's Opposition to the Dakota Access Pipeline and Proclaiming Indigenous Peoples' Day in the City of Sacramento

Recommendation: Pass a Resolution 1) supporting the Standing Rock Sioux Tribe's opposition to the Dakota Access Pipeline; and 2) proclaiming the second Monday in October as Indigenous Peoples' Day in the City of Sacramento.

Location: Citywide

Contact: Shirley Concolino, MMC, City Clerk, (916) 808-5442, Office of the City Clerk

Presenter: None

Department: Mayor/Council

Attachments:

1-Description/Analysis

2-Resolution

Description/Analysis

Issue Detail: At the November 29, 2016 City Council meeting, several people spoke during Public Comment Matters Not on the Agenda urging the City Council to take a stand on the Dakota Access Pipeline. The concerns ranged from lack of respect for Indigenous rights and jurisdiction to the provision of clean and safe water.

Policy Considerations: Adoption of the attached Resolution formalizes the City Council's support of the opposition to the Dakota Access Pipeline Process and Project and proclaims the second Monday in October as Indigenous Peoples' Day in the City of Sacramento.

Economic Impacts: Not applicable.

Environmental Considerations: Not applicable.

Sustainability: Not applicable.

Commission/Committee Action: Not applicable.

Rationale for Recommendation: Council directed staff to return with a Resolution Supporting the Opposition to the Dakota Access Pipeline Process and Project.

Financial Considerations: Not applicable.

Local Business Enterprise (LBE): Not applicable.

RESOLUTION NO. 2016-

Adopted by the Sacramento City Council

SUPPORTING THE STANDING ROCK SIOUX TRIBE'S OPPOSITION TO THE DAKOTA ACCESS PIPELINE AND PROCLAIMING THE SECOND MONDAY IN OCTOBER TO BE INDIGENOUS PEOPLES' DAY IN THE CITY OF SACRAMENTO

BACKGROUND:

- A. 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, including the pristine Missouri River, which provides drinking water and irrigates agricultural land in communities across the Midwest.
- B. 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.
- C. 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 U.S. Army Corps of Engineers did not follow or complete the proper process of consultation with the Tribe prior to issuance of permits.
- D. On August 31, 2016, the chair members of the United Nations Permanent Forum on Indigenous Issues 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 U.S. 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."

- E. 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.
- F. The City of Sacramento has made a firm commitment to reduce its own dependence on fossil fuels in order to ensure that additional pipelines such as the Dakota Access Pipeline are not needed.
- G. The City of Sacramento has worked diligently for many years to secure and protect our own sustainable clean water supply and supports the Standing Rock Sioux Tribe in opposing the construction of the Dakota Access Pipeline that passes under the Missouri River and other water sources with the recognized threat of contamination of existing clean water supplies with potential future oil spills.

BASED ON THE FACTS SET FORTH IN THE BACKGROUND, THE CITY COUNCIL RESOLVES AS FOLLOWS:

- Section 1. The City of Sacramento supports the Standing Rock Sioux Tribe's opposition to construction of the Dakota Access Pipeline across the Tribe's ancestral lands, waters, and sacred sites.
- Section 2. The City of Sacramento calls upon the United States and the Army Corps of Engineers to obtain the free, prior, and informed consent of the Standing Rock Sioux Tribe before taking any action regarding the Dakota Access Pipeline that would harm or destroy the Tribe's ancestral lands, waters, or sacred sites.
- Section 3. To commemorate and support the Standing Rock Sioux Tribe's opposition to the Dakota Access Pipeline, the second Monday in October is hereby proclaimed to be Indigenous Peoples' Day in the City of Sacramento.