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Date: September 15, 2016

To: Members of the Oakland City Council

From: Councilmember Kaplan, Councilmember Kalb & Councilmember Guillen

Re: Resolution Proclaiming The City of Oakland's Support For The Standing Rock Sioux Tribe's Opposition To The Construction Of The Dakota Access Pipeline

Dear Colleagues,

Councilmember Kaplan, Kalb & Guillen submit for your consideration a Resolution in support of Standing Rock's opposition to the construction of the Dakota Access Pipeline (DAPL).

The proposed pipeline will carry as much as 570,000 barrels of fracked crude oil per day for more than 1,100 miles from the Bakken oil fields of North Dakota to Illinois. The pipeline will pass over many sensitive landscapes, including the Missouri River, which provides drinking water and irrigates agricultural lands in communities across the Midwest.

The construction of the DAPL will grossly impact ancestral lands, including the removal of burial grounds and sacred cultural, religious and historical sites. The United Nations Declaration, Articles, 11, 12, and 25 on the Rights of Indigenous People (UNDRIP), as endorsed by the United States in 2010, affirms that indigenous peoples like the Standing Rock Sioux Tribe possess the right to maintain and protect their culture, religion, practices, and relationship with their "traditionally owned or otherwise occupied and used lands, territories [and] waters".

The Federal Government has temporarily halted a part of the construction, but it is only temporary with no set date for the halt to be lifted. It is imperative that the City of Oakland goes on record to show support and solidarity with other supporters, including Senator Bernie Sanders, our local supporters from the Intertribal Friendship House, and the California Nurses Association.

The City of Oakland, which sits on native lands of the Ohlone Tribe, continues to appreciate diversity of its community, their culture, and beliefs. The City of Oakland, as a Port City is also an environmentally conscious city and has endeavored to support

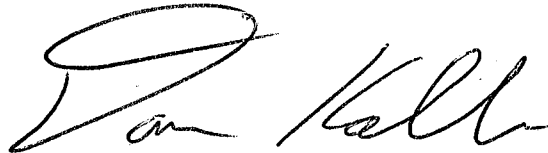
policy and legislation that will create healthier living conditions, leading to better quality of life for its community and its neighbors.

Therefore, we ask that the City Council support this Resolution to show that the City of Oakland, California is supporting the Standing Rock Sioux Tribe's Opposition to the construction of the Dakota Access Pipeline.

Thank you for your consideration,



Councilmember At-Large Rebecca Kaplan



Councilmember Dan Kalb



Councilmember Abel Guillen

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OAKLAND CITY COUNCIL

RESOLUTION No. _____ C.M.S.

Introduced by Councilmember Kaplan, Councilmember Kalb &
Councilmember Guillen

RESOLUTION PROCLAIMING THE CITY OF OAKLAND'S SUPPORT FOR THE STANDING ROCK SIOUX TRIBE'S OPPOSITION TO THE CONSTRUCTION OF THE DAKOTA ACCESS PIPELINE

WHEREAS, the proposed Dakota Access Pipeline (DAPL) would carry as many as 570,000 barrels of fracked crude oil per day for more than 1,100 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; and

WHEREAS, the DAPL would also run through ancestral lands and waters reserved for the traditional use of the Standing Rock Sioux Tribe by the Treaty of Ft. Laramie, including burial grounds and gravesites, and other sacred sites of cultural, religious, and historical significance; and

WHEREAS, Indian Treaties such as the Treaty of Ft. Laramie are recognized by the U.S. Constitution as "the supreme law of the land," and require consultation and cooperation by the United States with its Indian Treaty partner before any federal action is taken that affects Treaty lands, territories, waters or other resources; and

WHEREAS, the American Indian Religious Freedom Act of 1978 affirms the need to "protect and preserve for American Indians their inherent right of freedom to believe, express, and exercise the traditional religions," particularly in American Indian sacred places; and

WHEREAS, the City of Oakland has recognized the month of November as "National Native American Heritage Month" celebrating the heritages and cultures of Native Americans and acknowledge the contributions of the Native American people to the United States of America; and

WHEREAS, Articles, 11, 12, and 25 of the United Nations Declaration on the Rights of Indigenous People (UNDRIP), as endorsed by the United States in 2010, affirms that indigenous peoples like the Standing Rock Sioux Tribe possess the right to maintain and protect their culture, religion, practices, and relationship with their "traditionally owned or otherwise occupied and used lands, territories [and] waters"; and

WHEREAS, the U.S. Army Corps of Engineers failed to consult with or obtain the free, prior and informed consent of the Standing Rock Sioux Tribe as required by the Treaty of Fort Laramie, Executive Order 13175, the UNDRIP Article 10, and other federal and international laws, before issuing a "Mitigated Finding of No Significant Impact" that would result in an easement for horizontal directional drilling for the DAPL; and

WHEREAS, the City Councils of Portland, Oregon; St. Paul and Minneapolis, Minnesota; Seattle, Washington; Senator Bernie Sanders; the California Nurses Association; Oakland's Intertribal Friendship House; affiliated tribes of Northwest Indians comprised of 59 Indian Nations in the Northwest, and nearly 200 Indian Nations are among the governmental bodies, elected official, tribes and organizations that have taken formal action to support the Standing Rock Sioux Tribe and oppose the DAPL; now, therefore be it

RESOLVED, That the City of Oakland stands in support of the Standing Rock Sioux Tribe's opposition to construction of the Dakota Access Pipeline (DAPL) across the Tribe's ancestral lands, waters and sacred site; and be it

FURTHER RESOLVED, That the City of Oakland should communicate its support of the Standing Rock Sioux Tribe's opposition to construction of the Dakota Access Pipeline to the Federal Government and representatives of the Standing Rock Sioux Tribe.

IN COUNCIL, OAKLAND, CALIFORNIA, _____

PASSED BY THE FOLLOWING VOTE:

AYES - BROOKS, CAMPBELL WASHINGTON, GALLO, GUILLEN, KALB, KAPLAN, REID, AND PRESIDENT GIBSON MCELHANEY

NOES -

ABSENT -

ABSTENTION -

ATTEST: _____

LaTonda Simmons
City Clerk and Clerk of the Council
of the City of Oakland, California