



## King County

### **Dow Constantine**

King County Executive

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November 15, 2016

Jo-Ellen Darcy

Assistant Secretary of the Army (Civil Works)

Office of the Assistant Secretary of the Army

108 Army Pentagon

Washington, DC 20310-0108

Lieutenant General Todd T. Semonite

Chief of Engineers and Commanding General

U.S. Army Corps of Engineers

441 G St. NW

Washington, DC 20314-1000

Dear Ms. Darcy and Lieutenant General Semonite:

I am writing in support of the Standing Rock Sioux Tribe and their request to halt construction of the Dakota Access Pipeline and to require a full Environmental Impact Statement and formal and meaningful consultation with the Tribe. I appreciate the announcement just yesterday that the Army has determined that additional analysis and consultation with the Tribe is needed before deciding whether to grant an easement. It is essential that this commitment carry forward under the new federal administration.

There many parallels between the review of the Dakota Access Pipeline and massive coal and oil export terminals proposed in the Pacific Northwest over the last six years. Like the terminal proposals, the Dakota Access Pipeline brings risks to public safety, water resources, and Tribal treaty rights and sacred sites across a large region. Proposals for fossil fuel infrastructure, with significant impacts and risks that in many cases cannot be mitigated, warrant full, area-wide Environment Impact review and formal Tribal consultation before issuance of permits or easements. I have joined with 165 elected leaders through the Safe Energy Leadership Alliance to call for robust review of the coal and oil terminal proposals, including impacts to Treaty rights and cultural resources.

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In the case of the proposed Gateway Pacific Coal Terminal at Cherry Point near Bellingham, Washington, the U.S. Army Corps should be applauded for upholding its duty to protect the Treaty rights of the Lummi Nation and denying a key Corps permit. I urge you to make a similar decision with respect to the Dakota Access pipeline. It is imperative that the Army continue to halt further construction of the pipeline and conduct full EIS and formal and meaningful consultation with the Standing Rock Sioux Tribe are conducted.

I am heartened by recent commitments from the federal government to review and strengthen consultation with Tribal governments and major energy projects. In its October 9, 2016 ruling denying a request for an injunction while the Standing Rock Sioux Tribe's litigation against the Dakota Access Pipeline Project is before the courts, the U.S. Court of Appeals for the District of Columbia nonetheless called on the Corps of Engineers to heed federal regulations requiring consultation with tribes and protection of cultural resources, including artifacts and burials. Yesterday's announcement that the Army will commit to further review and consultation with the Tribe is another step forward. All levels of government have a moral and legal obligation to honor long standing Treaty rights, commitments which transcend changes in federal administration.

As a local elected official in the Pacific Northwest and the heart of salmon country, I stand in support of Tribes like the Standing Rock Sioux as they assert their Treaty rights.

Sincerely

A handwritten signature in black ink, appearing to read "Dow Constantine". The signature is fluid and cursive, with a long horizontal line extending from the end.

Dow Constantine  
King County Executive

cc: Chairman David Archambault II, Standing Rock Sioux Tribe  
Chairman Timothy Ballew II, Lummi Nation  
Chairwoman Virginia Cross, Muckleshoot Indian Tribe  
Chairman Bill Sterud, Puyallup Tribe of Indians  
Fawn Sharp, President, Quinault Nation and President, Affiliated Tribes of Northwest Indians  
Lorraine Loomis, Chair, Northwest Indian Fisheries Commission  
Colonel John W. Henderson, Commander of the Omaha District, U.S. Army Corps of Engineers