



## ***Defenders of the Black Hills***

PO Box 2003  
Rapid City, SD 57709  
[www.defendblackhills.org](http://www.defendblackhills.org)

### ***Resolution Opposing the Proposed Dakota Access Pipeline***

WHEREAS the mission of *Defenders of the Black Hills* is “to ensure that all of the provisions of the Fort Laramie Treaties of 1851 and 1868 are upheld by the federal government of the United States” and to protect the environment within the Treaty Area until such time as these lands are returned to the Great Sioux Nation; and

WHEREAS the waters of the Missouri River are an essential component of said Treaty Area per Article 2 of the 1868 Treaty; and

WHEREAS the oil production source area to be serviced by the proposed Dakota Access Pipeline drains into the waters of the Missouri River; and

WHEREAS the process of hydraulic fracturing that is producing the oil volumes to be transported by the Dakota Access Pipeline will inevitably lead to contamination and/or degradation of the surface and subsurface waters draining into the Missouri River; and

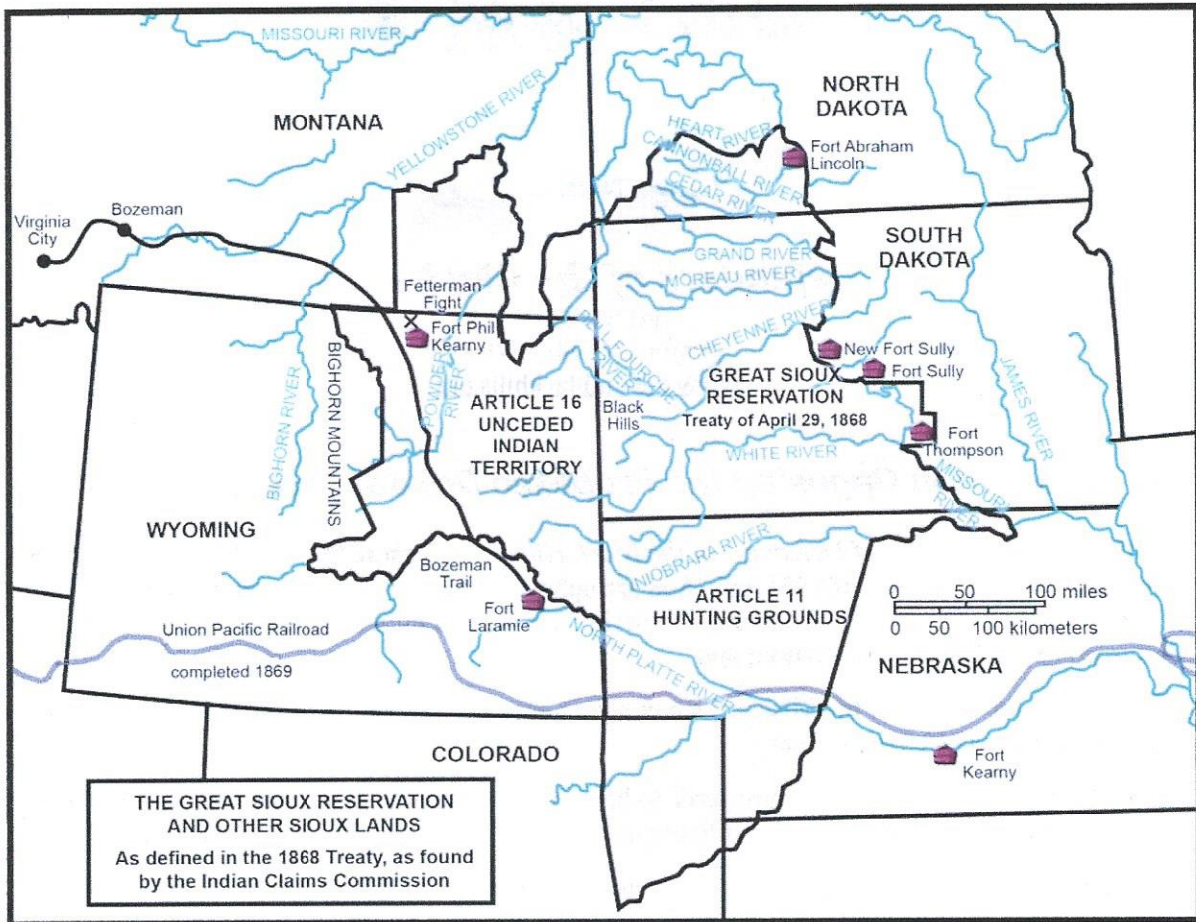
WHEREAS the Unceded Indian Territory under Article 16 of the 1868 Treaty extends north from the forty-sixth parallel of latitude to the Heart River in what is now termed the State of North Dakota; and

WHEREAS the proposed route for the Dakota Access Pipeline crosses the Heart River in Morton County of the State of North Dakota, and continues for some 35 miles across Unceded Treaty Territory until it crosses the Missouri River; and

WHEREAS no portion or part of the Great Sioux Reservation or the Unceded Treaty Territory established by the 1868 Fort Laramie Treaty has ever been ceded by the Signatory Tribes in accordance with the Article 12 requirement for approval by  $\frac{3}{4}$  of the adult male Indians; and

WHEREAS Article 16 of the 1868 Fort Laramie Treaty obligates the United States Government to see that “no white person or persons shall be permitted to settle upon or occupy any portion” of the Unceded Indian Territory; and

WHEREAS the construction of a pipeline, while not explicitly considered in the 1868 Treaty, must certainly be construed as an unauthorized “settlement” or “occupation” under Article 16;



THEREFORE BE IT RESOLVED that *Defenders of the Black Hills* opposes the routing of the proposed Dakota Access Pipeline across some 35 miles of the Unceded Indian Territory established by the 1868 Fort Laramie Treaty.

IT IS FURTHERMORE RESOLVED that *Defenders of the Black Hills* opposes the granting of any permits or authorizations by the Government of the United States for the construction, operation, or maintenance of said pipeline on any portion of the 1868 Fort Laramie Treaty Area.

ADOPTED by the Board of Directors on this NINTH DAY OF APRIL OF TWO THOUSAND SIXTEEN.

*Charmaine White Face*

/s/ Charmaine White Face, Coordinator