

Iowa Commission on Native American Affairs Letter of Concerns about Dakota Access Pipeline, April 28, 2016

April 28, 2016

Colonel Craig Baumgartner
Commander
U.S. Army Corps of Engineers
Clock Tower Building
P.O. Box 2004
Rock Island, Illinois 61204-2004

Re: Dakota Access Pipeline Project

Dear Colonel Baumgartner:

The Iowa Commission on Native American Affairs (ICNAA) wishes to express our strong concerns regarding the proposed Dakota Access Pipeline impacts on Iowa's Native communities. The route of the proposed pipeline would cut through and damage ancestral lands of religious and cultural significance, damage the natural environment, and risk serious pollution of Iowa's aquifers with impacts on Native communities' drinking water supplies and agriculture.

With regard to the Dakota Access pipeline's potential impacts on Native American graves, cultural sites, ceded treaty lands, and other archeological sites, none of the key federal agencies to date have been in direct consultation with the affected Native Nations/Tribes in Iowa. Serious concerns have been raised by the Iowa Tribe of Kansas and Nebraska, and the Meskwaki Nation (Sac and Fox of the Mississippi in Iowa) about the pipeline affecting indigenous sacred and traditional sites in the State of Iowa. We urge the Corps of Engineers to conduct a thorough assessment, in collaboration with all affected Tribal communities, to address the preservation of lands with cultural and religious significance.

This process should be in compliance with Section 106 of the National Historic Preservation Act (NHPA) and the Native American Graves Protection and Repatriation Act (NAGPRA). The environmental impacts of the Dakota Access pipeline include damage during construction to wildlife, waterways, and agriculture serving Native communities in Iowa. Further, a leak or spill from the pipeline would impact the waters that Iowa Tribes/Nations, and individual tribal members residing in the area, rely upon for drinking, for livestock, for food gardens, and for other purposes. The Winnebago Tribe of Nebraska, the Omaha Tribe of Nebraska, and the Ponca Tribe of Nebraska all possess reservation/trust land along the Missouri River in both Iowa and Nebraska. The Iowa River runs through the Meskwaki Nation Settlement.

Again we strongly urge the Corps of Engineers to undertake an environmental assessment, in consultation with Iowa's Tribes and Nations, which recognizes the significant impacts from

construction, from operation and maintenance, and from any potential leak or spill. This assessment should address concerns of the U.S. Environmental Protection Agency and the U.S. Department of Interior regarding the National Environmental Policy Act (NEPA) compliance as it affects Iowa's Tribal Nations and communities. In particular, the Corps of Engineers assessment should specifically address concerns about: 1) protecting drinking water resources; 2) emergency preparedness/response measures in the event of the pipeline leak or spill; 3) other potential impacts, including construction and maintenance of the pipeline, on Iowa tribal communities; 4) an Environmental Justice analysis to address potential impacts on Iowa Tribal Nations and communities; 5) coordination and collaboration of Iowa Tribal Nations in the environmental assessments; 6) an alternatives analysis of pipeline route alternatives, including disapproval of the pipeline project.

On behalf of Iowa Native Americans, we look forward to reviewing the Corp of Engineers Environmental Assessment and any draft of the Finding of No Significant Impact (FONSI). If you should have further questions or concerns, please contact Ms. Jill Fulitano Avery, Office of Native American Affairs, Iowa Department of Human Rights (515-242-6334).

Sincerely,

Karen Mackey

Chair, Iowa Commission on Native American Affairs Iowa Department of Human Rights

C.c.: Brent Cossette, U.S. Army Corps of Engineers, Omaha District

Philip S. Strobel, U.S. Environmental Protection Agency, Region 8

Lawrence S. Roberts, Indian Affairs, Department of Interior

Reid J. Nelson, Office of Federal Programs, Advisory Council on Historic Preservation Steve King, Iowa State Historic Preservation Office

Geri D. Huser, Iowa Utilities Board Troy Wanetee, Chairman, Meskwaki Nation

Tim Rhoad, Chairman, Iowa Tribe of Kansas and Nebraska

Darla LaPointe, Chairwoman, Winnebago Tribe of Nebraska

Vernon Miller, Chairman, Omaha Tribe of Nebraska

Larry Wright, Chairman, Ponca Tribe of Nebraska