

Congress of the United States
Washington, DC 20515

Feb 5, 2021

President Joseph R. Biden
The White House
1600 Pennsylvania Avenue Northwest
Washington, DC 20500

Dear President Biden:

Thank you for the bold early actions your administration has taken to prioritize climate action and environmental justice, including your announcement last month to withdraw permits for the Keystone XL pipeline. We urge you to build on this promising start by ordering a shutdown of the Dakota Access Pipeline (DAPL) while it undergoes a court-mandated environmental review.

In 2016, we witnessed egregious environmental racism as North Dakota law enforcement officials violently removed protestors from the path of DAPL, many of them from the nearby Standing Rock Sioux Tribe. Fortunately, President Obama denied the pipeline an easement to cross a federal reservoir along the Missouri River, while requiring the U.S. Army Corps of Engineers (USACE) to conduct an Environmental Impact Statement (EIS). This action was quickly undermined by President Trump, who upon taking office reversed course and granted the easement while ignoring the concerns of the Standing Rock Sioux Tribe.

On January 26th, 2021, the U.S. Court of Appeals for the D.C. Circuit issued a ruling upholding a March 2020 United State's District Court decision that the USACE violated the National Environmental Policy Act (NEPA) when it granted the easement. The USACE did not adequately consider the potential impacts of the pipeline on the Standing Rock Sioux Reservation, and did not consult with the tribe and other affected communities about those impacts. The tribe draws its water from the Missouri River, and rightfully fears an oil spill could disproportionately affect their drinking water, as well as hunting and fishing rights.

In July of 2020, the Distict Court invalidated DAPL's easement and ordered the pipeline shut down while the USACE prepares an Environmental Impact Statement (EIS). The federal appeals court has upheld this ruling that the pipeline is illegal, and directed the government to make a decision on the pipeline promptly.

As you consider how to proceed, we encourage you to meet with members of the Standing Rock Sioux Tribe and other impacted Tribes to better understand how the DAPL affects their lands, treaty rights, and environmental priorities. By shutting down this illegal pipeline, you can continue to show your administration values the environment and the rights of Indigenous communities more than the profits of outdated fossil fuel industries. This is a critical step towards righting the wrongs of the past and setting our nation on a path of environmental, climate, and social justice.

Sincerely,

Nanette Diaz Barragán

Nanette Diaz Barragán
Member of Congress

Jeffrey A. Merkley

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