

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

STANDING ROCK SIOUX TRIBE,

Plaintiff,

v.

U.S. ARMY CORPS OF ENGINEERS,

Defendant.

Case No. 1:16-cv-1534-JEB

**DECLARATION OF DAVE ARCHAMBAULT II IN SUPPORT OF MOTION FOR
PRELIMINARY INJUNCTION**

I, Dave Archambault II, declare as follows:

1. My name is Dave Archambault II, and I have served as Chairman of the Standing Rock Sioux Tribe since 2013. I also had the privilege of serving on the Tribal Council from 2007 until 2011. Before that, I worked at United Tribes Technical College as the director of the Tribal College Consortium for Developing Montana and North Dakota Workforce, a project that focuses on developing the workforce in Indian Country through Tribal College training and industry partnerships.

2. The Standing Rock Sioux Tribe is comprised of approximately 18,000 enrolled members. Roughly half of our members live on the Tribe's reservation in North and South Dakota. Most of the remainder live nearby and maintain cultural and family ties to the Tribe.

3. Circumstances on Standing Rock are challenging, and our resources and opportunities are limited. The unemployment rate is over 60%, and the poverty level is over 40%. Although we have schools, the graduation rates are very low. Be that as it may, what we do have – our culture, water, and land – is important to us.

4. President Obama visited Standing Rock in 2014, becoming only the fourth President in the history of the nation to visit an Indian Reservation. As Chairman, I led the President through the visit. The Tribe conducted ceremonies and dances near the confluence of the Cannonball and Missouri Rivers, very close to the proposed pipeline route. The President saw our dances. The President met with, and was moved by, our youth – their struggles. Despite their struggles, one of our youth sang an “encouragement song” for the President, that the President may have strength to endure the challenges of his position. That is part of who we are.

5. The Standing Rock Indian Reservation is my home. It’s where I live with my wife and two children; where my wife and I operate a small convenience store for the community; where I attended high school and college; and where I hunted, fished, and garden. Standing Rock is the focal point of my history. For many of our members, hunting and fishing are not just for sport, but rather supplement their sustenance needs. “Mitakuye oyasin” – “we are all related” – through hunting and fishing, our culture teaches members to respect and appreciate the value of all life. That from the animal’s life, comes our life.

6. As Tribal Chairman, and as a member of the Tribal Council, I strive to create an environment on Standing Rock where as many people as possible can live a life worth living; a place where my people remember, and build upon, their history. History connects the dots of our identity, and our identity was all but obliterated. Our land was taken, our language was forbidden. Our stories, our history, were almost forgotten. What land, language, and identity

remains is derived from our cultural and historic sites. It is very important to the Tribe, and it is very important to me personally, to maintain a connection with this history and culture.

7. The elements of a life worth living are so personal, but generally include the availability of nutritious food, adequate housing, education, purpose, the love and companionship of family and friends, and water.

8. We believe that we are all connected, that all life has a spirit and is related – the people, the air, the landscape, the water. Water also has a spirit and nourishes all life. It is the common element of our spirits. Contaminating the water would contaminate the spirit.

9. DAPL came to meet with our Council in late 2014. They declared the pipeline route they chose, without our input. That is not consultation. That is not respect. And their doing so, is certainly not a government-to-government relationship. We immediately expressed our concerns with the manner in which this projected was presented to us. We expressed our opposition to the route that was planned without our input and suggested alternate routes. Our comments fell on deaf ears.

10. My nation's water, and my nation's history, are at risk from the pipeline.

11. Our water is at risk because a pipeline, through which more than half a million gallons of oil per day shall flow, is being built across the Missouri River, just north of our nation's border.

12. When the pipeline leaks, the Missouri river - the source of our drinking water, where we fish, swim, and conduct ceremonies – will be contaminated. Our Sundance, a spiritual ceremony sacred to us, is performed on the banks of the river. The source of life, as well as spiritual continuity, would be damaged. This water is very important to me personally, and pollution of the water would be deeply harmful to me. This is true of the members of my family,

and the Tribe generally.

13. Several years ago, over the Thanksgiving Holiday, the water plant intakes malfunctioned, and the reservation was without water for seven days. Our people had to travel, at great expense, to buy water. Medical facility patients had to be moved. That was just a drought. An oil spill, and its effects on the water and our shorelines, would be even more devastating

14. My nation's history is at risk because the pipeline builders and the Army Corps failed to consult the tribe when planning the pipeline, and routed it through areas of cultural and historic significance, which will be destroyed.

15. Sites of cultural and historic significance are important to us because they are a spiritual connection to our ancestors. Even if we do not have access to all such sites, their existence perpetuates the connection. When such a site is destroyed, the connection is lost. This lost connection to our history and culture is deeply harmful to me and the members of the Tribe,

16. DAPL planned the entire route and conducted cultural surveys with no input from or consultation with the Tribe. The Corps' lack of consideration of our Tribe was evidenced in the draft EA which didn't even indicate the presence of our reservation, a half mile away, even though by that time we had written numerous letters to the Corps about our concerns with the project. I find that offensive.

17. The proponent of the pipeline diminishes the importance of our Municipal, Rural, and Industrial Water System, which draws water from the river and supplies most of the drinking water on the reservation, by incorrectly stating, "most tribal members who live in rural districts on the reservation still use well water." Most members actually live in districts, not rural areas, and rely on MR&I water drawn from the river, not well water.

18. Our tribe would not sign the Army Corps Programmatic Agreement on historic properties because the terms of the agreement are inconsistent with tribal values and our interpretation of government to government relationships. In our culture, relationships are about respect – between individuals and between governments. We acknowledge each other’s value as human beings. We do not impose on each other. Everyone’s opinion matters. The pipeline proponent and the Army Corp came up with plans to build a pipeline that would threaten our water and culture, without consulting us on the creation or implementation of the plans, and wanted us to just sign off. That is neither respect nor consultation. That is going through the motions and checking off boxes.

19. We have repeatedly sought to work with the Corps to help them understand our perspective on the pipeline and the risks it presents. I personally walked the Omaha District Commander through the site several months ago. I thought at that time that they had begun to understand the impacts to tribal cultural and life that were being put at risk. We have written many letters. I have met with many government officials in North Dakota and Washington, D.C., including my elected representatives, officials with the Environmental Protection Agency, Department of Interior, and Advisory Council on Historic Preservation. I have done all of these things because of the serious injury that will be caused to the Tribe’s members if the pipeline is built where it’s proposed, without adequate consultation to protect our interests.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge. Executed on August 3, 2016, at Fort Yates, North Dakota.



Dave Archambault II

CERTIFICATE OF SERVICE

I hereby certify that on August 4, 2016, I electronically filed the foregoing *Declaration of Dave Archambault II In Support of Motion for Preliminary Injunction* with the Clerk of the Court using the CM/ECF system

I further certify that on August 4, 2016, true and correct copies were served on the following, via the method indicated:

Via Federal Express overnight delivery:

Office of the Attorney for the District of
Columbia
441 Fourth Street NW
Washington, DC 20001

U.S. Army Corps of Engineers
441 G Street NW
Washington, DC 20314-1000

U.S. Attorney's Office
Attn: Civil Process Clerk
555 Fourth Street NW
Washington, DC 20530

Office of the Attorney General
1350 Pennsylvania Avenue NW, Suite 409
Washington, DC 20004

Courtesy copies via email to counsel Dakota Access Pipeline and U.S. Department of Justice Environment and Natural Resources Division.

/s/ Jan E. Hasselman

Jan E. Hasselman