

# LUMBEE TRIBE OF NORTH CAROLINA

CLLR-2018-0222-01

DATE: February 22, 2018

## “TRIBAL CONSULTATION AND THE ATLANTIC COAST PIPELINE”

**WHEREAS**, The Lumbee Tribe of North Carolina (“Lumbee Tribe”) is a recognized American Indian Tribe of the State of North Carolina, subject to the Constitution of the Lumbee Tribe of North Carolina (“Tribal Constitution”) and its inherent powers and self-government; and

**WHEREAS**, The Lumbee government was formed to preserve for all time the Lumbee way of life and community, promoting the educational, cultural, social, and economic well-being of Lumbee people, and securing justice and freedom for the tribe; and

**WHEREAS**, Article VII, Section 1 of the Tribal Constitution delegates all legislative authority to the Tribal Council of the Lumbee Tribe of North Carolina (“Tribal Council”); and

**WHEREAS**, just as our ancestors, the members of the Lumbee Tribe and other Indian tribal nations depend on rivers, streams, aquifers, and other ground water sources, community lands, forests, swamps, and environment for sustenance, medicines, as well as for health, general welfare, and sustainability of tribal communities and the ecosystem; and

**WHEREAS**, approximately 30,000 American Indians live within one mile of the Atlantic Coast Pipeline's proposed route and constitute a highly disproportionate concentration of tribal citizens who would be subjected to any adverse impacts related to the pipeline's construction and operation; and

**WHEREAS**, the Atlantic Coast Pipeline ("ACP"), as proposed by Atlantic Coast Pipeline, LLC and Dominion Energy Transmission, Inc. ("Dominion"), poses a serious risk to the environmental and cultural resources of the Lumbee Tribe and its ability to provide a safe, livable homeland for its members and residents; and

**WHEREAS**, the states of the United States, as sub-divisions of the federal government of the United States owe a duty to consult with the Indian tribal governments impacted by the decisions of its regulatory entities and subdivisions and thus far, have not officially consulted with the Lumbee Tribe, and

**WHEREAS**, the Federal Energy Regulatory Commission (FERC) has not honored requests for consultation from the Lumbee government, against the guidance of the Advisory Council of Historic Preservation, the United States Environmental Protection Agency, the North Carolina Department of Environmental Quality, and the North Carolina Commission of Indian Affairs; and

**WHEREAS**, the lack of true government-to-government consultation with the Lumbee Tribe, and other Indian tribal nations with ties to the land, will potentially suffer negative impact due to the construction and future operation of the ACP.

**WHEREAS**, the Lumbee Tribe is deeply concerned about the protection of unmarked ancestral burials, sacred places, and its environment, and is unconditionally opposed to their desecration or dispossession, and to any adverse impact, damage, endangerment, injury or threat to them;

**WHEREAS**, consultation with the Lumbee Tribe, and other potentially impacted Indian tribal nation as requested, must be undertaken for the Federal Energy Regulatory Commission (FERC) and other federal and state regulatory bodies to be in a position to claim it has a record that documents its obligations to conduct full and meaningful consultation with and consider the ACP's impacts upon the Indian tribal communities that attach cultural and religious concerns to the ACP route and, if permitted, how to mitigate such impacts; and

**WHEREAS**, the Final Environmental Impact Statement prepared by the FERC for the ACP lacks sufficient information on how Dominion will protect the religious, cultural, ancestral, and environmental interests of the Lumbee Tribe and other Indian tribal nations that would be impacted by the construction and future operation of the ACP; and

**WHEREAS**, Dominion's application for 401 Clean Water Act certification recently approved by the North Carolina Department of Environmental Quality lacks sufficient information for the Department to determine whether the ACP can comply with water quality standards, a project that would cut across nearly every major watershed in eastern North Carolina, including the Lumber River, and clear over 450 acres of precious wetlands; and

**WHEREAS**, the National Congress of American Indians, the oldest and largest national organization of American Indian and Alaska Native tribal governments, has likewise called upon all agencies to engage in meaningful consultation with the Indian tribal nations that will be impacted by the construction and operation of the ACP; and

**THEREFORE**, be it resolved, the Tribal Council of the Lumbee Tribe of North Carolina does hereby respectfully request that FERC and other federal, state, or local regulatory bodies and other permitting entities, immediately engage in true and meaningful consultation with the Lumbee Tribe and other Indian tribal nations that would be potentially impacted by the construction and future operation of the ACP; and

**BE IT FURTHER** resolved, the Tribal Council of the Lumbee Tribe of North Carolina does hereby call upon all entities of the United States government, and all federal, state, and local regulatory bodies and other entities to deny or suspend any permits, approvals, or other progress towards issuance of final certifications, permits, or other approvals regarding Dominion's Atlantic Coast Pipeline until all federal, state, local and other entities have engaged in full and meaningful government-to-government consultation with all Indian nations, including the Lumbee, that attach cultural or religious concerns to the ACP. And, conduct a full and complete impact statement that fully considers the concerns of the affected Indian tribal nations through such consultations; and

**BE IT FINALLY** resolved, that the Tribal Council of the Lumbee Tribe of North Carolina calls upon its membership, public officials, and other Indian tribal nations to express their opposition to the permitting and certifications for the ACP until the conduct of full and meaningful consultation with the Lumbee Tribe, and other impacted Indian tribal nations as requested, by all federal, state, and local entities.

**CERTIFICATION**

THIS CLRR-2018-0222-001 "TRIBAL CONSULTATION AND THE ATLANTIC COAST PIPELINE",  
ADOPTED AT A MEETING OF THE TWENTY-ONE (21) MEMBER TRIBAL COUNCIL OF THE LUMBEE  
TRIBE OF NORTH CAROLINA WHERE 15 MEMBERS WERE PRESENT, CONSTITUTING A  
QUORUM, THIS THE 22<sup>nd</sup> DAY OF FEBRUARY, 2018 BY A VOTE OF 15 YES, 0 NO, AND  
0 ABSTENTION(S).



2-22-18

ATTEST: ANITA HAMMONDS BLANKS  
Speaker, Tribal Council of the Lumbee Tribe of North Carolina



2-22-18

ATTEST: JAN LOWERY  
Secretary, Tribal Council of the Lumbee Tribe of North Carolina

## ROLL CALL VOTE RESULTS

CLLR -2018-0222-01 "TRIBAL CONSULTATION AND THE ATLANTIC COAST PIPELINE"

ADOPTED FEBRUARY 22, 2018

15 YES, 0 NO, 0 ABSTENSION(S)

District 1:	LaKishia Sweat	ABSENT
District 2:	Sharon Hunt	YES
	Janie McFarland	YES
District 3:	James B. Hunt	YES
	Alton Locklear	ABSENT
District 4:	Jonathan Locklear	YES
District 5:	Bobby Oxendine	ABSENT
	Jarrold Lowery	ABSENT
District 6:	Larry Chavis	YES
	Douglas Locklear	ABSENT
District 7:	Reginald Oxendine	YES
	Jan Lowery	YES
	Alvin Mercer	ABSENT
District 8:	Corbin Eddings	YES
District 9:	Anita Hammonds Blanks	YES
District 10:	Janet Locklear	YES
District 11:	Frank Cooper	YES
District 12:	Annie Taylor	YES
	Michael Chavis	YES
District 13:	Ricky Burnett	YES
District 14:	Barbara Lowery	YES