

## **Investor Statement to Banks Financing the Dakota Access Pipeline**

**Bank of Tokyo-Mitsubishi UFJ (Mitsubishi UFJ), BayernLB (Bayerische Landesbank), BBVA (Banco Bilbao Vizcaya Argentaria), BNP Paribas, Citibank (Citigroup), Crédit Agricole, DNB, ICBC (Industrial and Commercial Bank of China), ING, Intesa Sanpaolo, Mizuho Bank (Mizuho Financial Group), Natixis, Société Générale, SMBC (Sumitomo Mitsui Financial Group), SunTrust Bank, TD Securities (Toronto-Dominion Bank), Wells Fargo**

The undersigned investors, representing \$653 billion in assets under management, encourage the banks listed above to address or support the Standing Rock Sioux Tribe's request for a reroute of the Dakota Access Pipeline (DAPL) that avoids their treaty territory<sup>1</sup>. We believe this is warranted to protect the banks' reputation and consumer base and to avoid legal liabilities. As investors we are very concerned by the reputational and potential financial risks due to these banks being associated with DAPL.

Since 2014, the Standing Rock Sioux Tribe has opposed DAPL's projected route, which crosses their drinking water, sacred sites, and treaty territory. The Tribe has further noted that development of the projected route did not meet the international standard for consultation for Free, Prior, and Informed Consent and there have been serious and credible allegations of irregularities regarding the environmental review for DAPL. We understand a number of the banks listed above have commissioned a report by Foley Hoag on the adequacy of the consultation process followed by Energy Transfer Partners, the lead project developer. In December 2016, the US Army Corps of Engineers denied Energy Transfer Partners the easement needed to complete construction, and announced plans to prepare an environmental impact statement and explore alternative routes. Following President Trump's issuance of a memorandum directing approval, the Army Corps abruptly shifted course and on February 8th granted the final easement required for DAPL's current project route. The Tribe has vowed to fight any alteration of the environmental review process in court.

We are concerned that if DAPL's projected route moves forward, the result will almost certainly be an escalation of conflict and unrest as well as possible contamination of the water supply. North Dakota state and local governments have spent over \$22 million on law enforcement costs since August 2016, and demonstrators have already been arrested and cleared from the area with considerable use of force.

Banks with financial ties to the Dakota Access Pipeline may be implicated in these controversies and may face long-term brand and reputational damage resulting from consumer boycotts and possible legal liability. As major shareowners of these banks, we are very concerned about the financial risks this poses to the investments we oversee and to those whom we serve as fiduciaries. To date, we understand that consumers have closed

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<sup>1</sup> The Standing Rock Sioux Tribe's treaty territory extends well beyond the borders of its reservation. In its 1980 decision *United States v. Sioux Nation of Indians*, 448 U.S. 371, 388, the U.S. Supreme Court ruled that the Standing Rock Sioux territories (including Lake Oahe) were wrongly removed from the Tribe's control by the U.S. government and recognized its claim. The U.S. government offered compensation, but the Tribe did not accept the offer as a replacement for control of the territory.

bank accounts worth over \$53 million—and are threatening to pull another \$2.3 billion—from the banks financing DAPL. We note that ABN AMRO announced recently it would discontinue its lending relationship to Energy Transfer Equity if “an acceptable non-violent solution [is not] found among all parties impacted by the construction of the DAPL, including the Standing Rock Sioux Tribe.”

We understand that the banks providing the project finance have contractual obligations to DAPL, but the extreme controversy tied to the project warrants their urgent action. The Standing Rock Sioux Tribe has repeatedly stated that they do not oppose energy independence, and would be amenable to a reroute of the Dakota Access Pipeline that avoids their treaty territory. We call on the banks to address or support the Tribe’s request for a reroute and utilize their influence as a project lender to reach a peaceful solution that is acceptable to all parties, including the Tribe.

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Date - February 16, 2017

Time - 7:30 PM EST

See attached list of signatories.

Geeta Aiyer, CFA  
President and Founder  
Boston Common Asset Management, LLC

Matthew Smith  
Head of Sustainable Investments  
Storebrand Asset Management

John Streur  
President and CEO  
Calvert Research and Management

Anne Simpson  
Investment Director, Sustainability  
California Public Employees' Retirement System

New York City Comptroller Scott M. Stringer,  
on behalf of the New York City Teachers'  
Retirement System, the New York City  
Employees' Retirement System, the New York  
City Fire Department Pension Fund, and the  
Board of Education Retirement System of the  
City of New York

Kathleen Woods  
Chair, Corporate Responsibility Committee  
Adrian Dominican Sisters, Portfolio Advisory  
Board

Dr. Jeffrey Haggray  
Executive Director  
American Baptist Home Mission Societies

Danielle Fugere  
President  
As You Sow

Colette Murphy  
Executive Director  
Atkinson Foundation

Daniel Simard  
Chief Executive Officer  
Bâtirente

Karen Shoffner  
President  
Castellum Capital Group

Stephen Viederman  
Adviser  
Christopher Reynolds Foundation

Shelley Alpern  
Director of Social Research & Shareholder  
Advocacy  
Clean Yield Asset Management

Laura Livoti  
CEO  
Common Counsel Foundation

Ellen Friedman  
Executive Director  
Compton Foundation

Sister Sally Ann Brickner, OSF  
Coordinator of Justice, Peace and Integrity of  
Creation  
Congregation of Sisters of St. Agnes

Margaret Weber  
Corporate Responsibility Director  
Congregation of St. Basil

Karen Watson, CFA  
Chief Investment Officer  
Congregation of St. Joseph

Suzanne Benally  
Executive Director  
Cultural Survival

Sister Louise Gallahue, D.C.  
Provincial  
Daughters of Charity, Province of St Louise

Tory Dietel Hopps  
Managing Partner  
DietelPartners

Susan Vickers  
Dignity Health

Adam Kanzer  
Managing Director  
Domini Impact Investments LLC

Sister Mary Brigid Clingman OP  
Promoter of Justice  
Dominican Sisters ~ Grand Rapids  
Valerie Heinonen  
Director, Shareholder Advocacy  
Dominican Sisters of Hope

Eileen Gannon  
Executive Team Member  
Dominican Sisters of Sparkill

Steve Zielinski  
Consultant  
Dominican Sisters of Springfield, IL

Adam Wolfensohn  
Co-Managing Partner  
Encourage Capital

Jeff Pym  
Executive Director  
Evangelical Lutheran Foundation of Eastern  
Canada

Chris Meyer  
Manager, Advocacy and Research  
Everence and the Praxis Mutual Funds

Leadership Team of Our Lady of Hope Province  
Felician Sisters of North America, Inc.

Taylor Reed  
Associate  
Figure 8 Investment Strategies

Steven J. Schueth  
President  
First Affirmative Financial Network

Mecky Kessler-Howell  
AIF, Financial Advisor  
FOR Investment Partners

Jeffery W. Perkins  
Executive Director  
Friends Fiduciary Corporation

Thomas G. Kemper  
General Secretary  
General Board of Global Ministries,  
The United Methodist Church

Katherine Smail  
Executive Director  
Glasswaters Foundation

Neva Goodwin  
Co-Director  
Global Development and Environment Institute

Fran Teplitz  
Executive Co-director  
Green America

Brianna Harrington  
Research Analyst/Shareholder Advocacy  
Coordinator  
Harrington Investments, Inc.

Tim Goodman  
Director Hermes EOS  
Hermes Investment Management

Jo-Annie Pinto  
Vice President, Client Services & Business  
Development  
Hexavest

Johann Klaassen  
Chief Investment Officer  
Horizons Sustainable Financial Services

Patricia Grant, IBVM  
Provincial Leader, Canada  
IBVM Foundation of Canada Inc. (Loretto  
Sisters)

Josh Zinner  
CEO  
Interfaith Center on Corporate Responsibility

Christine Jantz  
President  
Jantz Management LLC

Peter Bisson, SJ  
Provincial Supervisor  
Jesuits in English Canada

Jeffrey Scales  
Managing Principal  
JSA Financial Group

Zoe Fuller-Rowell  
Executive Director  
Kalliopeia Foundation

Jennifer Lazarus  
Lazarus Financial Planning

Jennifer Hall  
Treasurer  
Leadership Team of Sisters of Providence,  
Mother Joseph Province

Deirdre Mary McElroy  
Financial Planner Public Speaker  
LPL Financial

Cathy Rowan  
Corporate Responsibility Coordinator  
Maryknoll Sisters

Lisa Heinz  
CFO  
Mennonite Education Agency

Molly Murphy  
Chief Investment Officer  
Mercy Health

Valerie Heinonen, OSU  
Director of Shareholder Advocacy  
Mercy Investment Services, Inc.

Barbara L Meyer  
Principal  
Meyer Family Enterprises

Barbara Jennings  
Director  
Midwest Coalition for Responsible Investment  
Fr Seamus Finn OMI

Missionary Oblates of Mary Immaculate

Michael Kramer  
Managing Partner  
Natural Investments

Cliff Fregin  
Chief Executive Officer  
New Relationship Trust

Bruce T. Herbert, AIF  
Chief Executive  
Newground Social Investment

Julie Goodridge  
CEO  
NorthStar Asset Management, Inc.

Judy Byron, OP  
Northwest Coalition for Responsible Investment

Fr. Ken Forster OMI  
Provincial OMI Lacombe  
Oblates of Mary Immaculate Lacombe Province  
Canada

Susan White  
Trust Director  
Oneida Trust Enrollment Committee, Oneida  
Nation

Sr. Frances Brady  
Congregational Leader  
Our Ladies Missionaries

Jerome L. Dodson  
CEO & Chairman  
Parnassus Investments

Marcus Robertson  
Pension Board Chair  
Pension Plan of The United Church of Canada

Rob Fohr  
Director of Faith-Based Investing and Corporate  
Engagement  
Presbyterian Church U.S.A.

Catherine Cartier  
President  
Progressive Asset Management

John Koelle, OFM Cap  
Chair-Socially Responsible Investment  
Committee  
Province of St. Mary of the Capuchin Order

Leigh Sherry  
Business Manager  
Redemptoristine Nuns

Jo Marie Chrosniak, HM  
Coordinator  
Region VI Coalition for Responsible Investment

Alex Haber  
Program Manager, Philanthropic Services  
RSF Social Finance

Patti B. Dolan  
Portfolio Manager  
SAGE Investment Advisors of Raymond James  
Ltd.

Mary Kay Henry  
Chair  
SEIU Affiliates Pension Fund

Peter Chapman  
Executive Director  
Shareholder Association for Research and  
Education (SHARE)

Richard W. Torgerson  
CEO  
SharePower Responsible Investing, Inc.

Dan Chu  
Executive Director  
Sierra Club Foundation

Timothy Simon  
Owner  
Simon Products

Mary Beth Hamm, SSJ  
Coordinator: Justice, Peace and Integrity of  
Creation  
Sisters of Bon Secours, USA

James Weber  
SC SRC Committee Chair  
Sisters of Charity Cincinnati

Barbara Joseph Lammers  
Corporate Responsibility Coordinator  
Sisters of Charity of Nazareth

Carol De Angelo  
Director of Peace, Justice and Integrity of  
Creation  
Sisters of Charity of New York

Mary Burns, SC  
Representative  
Sisters of Charity, Halifax

Denece Billesberger, sej  
Treasurer  
Sisters of Instruction of the Child Jesus

Sister Colleen Dauerbach SSJ  
Social Justice Coordinator  
Sisters of Saint Joseph of Chestnut Hill,  
Philadelphia

Kathleen A Donnelly, SU  
Regional Treasurer  
Sisters of Saint Ursula

Denise Granger, SSJ  
Coordinator Office of Justice and Peace  
Sisters of St Joseph of Springfield

Sr. Joan Agro, OP  
Leadership Team Councilor  
Sisters of St. Dominic of Blauvelt, N.Y.

Sister Patricia Daly OP  
Corporate Responsibility Representative  
Sisters of St. Dominic of Caldwell NJ

Nora Nash  
Director, Corporate Social Responsibility  
Sisters of St. Francis of Philadelphia

Patricia Mahoney  
Finance Committee  
Sisters of St. Joseph

Marie Lenihan  
Finance Committee  
Sisters of St. Joseph

Eileen McCann  
Province Leadership  
Sisters of St. Joseph

Elizabeth Cawley  
Justice Promoter  
Sisters of St. Joseph of Boston

Mary Rita Rohde, snjm  
Treasurer  
Sisters of the Holy Names of Jesus and Mary

Mary Ellen Holohan, snjm  
Congregational leadership Team Member  
Sisters of the Holy Names of Jesus and Mary  
SNJM

Sr. Carole Anne Griswold, HM  
Community Treasurer  
Sisters of the Humility of Mary

Linda Hincken  
CFO  
Sisters of the Order of St. Dominic

Ruth Geraets  
Treasurer  
Sisters of the Presentation of the BVM,  
Aberdeen SD

Anna Falkenberg  
Socially Responsible Investment Coalition

Danielle Jezienicki  
Impact Analyst  
Sonnet Capital

Gary Matthews  
CEO  
SRI Investing LLC

Sister Ethel Howley  
Social Responsibility Resource Person  
SSND Cooperative Investment Fund

Stephen Whipp  
Managing Director, Responsible Asset  
Management  
Stephen Whipp Financial

John F. Swift  
President  
Swift Foundation

Mary Corkery  
Chair  
The Catherine Donnelly Foundation

Sanjay Kabir Bavikatte  
Executive Director  
The Christensen Fund

Sr. Jean Gove  
Chair  
The Daly Foundation

The Reverend Canon Brian J. Grieves  
Chair, Executive Council Committee on  
Corporate Social Responsibility, The Episcopal  
Church

Regan Pritzker  
Board president  
The Libra Foundation

Richard Walters  
Director Corporate Social Responsibility  
The Pension Boards - UCC, Inc.

Larisa Ruoff  
Director of Shareholder Advocacy and  
Corporate Engagement  
The Sustainability Group of Loring, Wolcott &  
Coolidge

Erik Mathiesen  
Chief Financial Officer  
The United Church of Canada

Terrence Meck  
President  
Threshold Foundation

Judith Hill  
CFO  
Tides

Tom Bennigson  
President  
Tikva Grassroots Empowerment Fund

Anne Amanda Bangasser  
Managing Director  
Treehouse Investments

Jonas Kron  
Senior Vice President  
Trillium Asset Management, LLC

Jody Wise  
Socially responsible investment consultant  
Trinity Health

Mary Beth Gallagher  
Executive Director  
Tri-State Coalition for Responsible Investment

Timothy Brennan  
Treasurer & CFO  
Unitarian Universalist Association

Kathryn McCloskey  
Director, Social Responsibility  
United Church Funds

Harriett J. Olson  
Chief Executive Officer  
United Methodist Women

Sister Karen Gleeson  
General Treasurer  
Ursuline Religious of the Diocese of London in  
Ontario

Valerie Heinonen  
Director, Shareholder Advocacy  
Ursuline Sisters of Tildonk, U.S. Province

Derek Gent  
Executive Director  
Vancity Community Foundation

Dermot Foley  
Portfolio Manager - ESG Analysis  
Vancity Investment Management Ltd.

Hans-Martin Buhlmann  
CEO  
VIP Association of Institutional Shareholders  
VIP (Vereinigung Institutionelle Privatanleger)

John Schwartz  
President  
Voqal

Heidi Soumerai  
Managing Director  
Walden Asset Management

Ellen Dorsey  
Executive Director  
Wallace Global Fund

Kirsty Jenkinson  
Managing Director, Sustainable Investment  
Strategies  
Wespath Benefits and Investments

Sonia Kowal  
President  
Zevin Asset Management

Gwen Broz, DO

Sr. Jane Quinlan, OSU

Signatory List – as of February 17, 2017  
(10 AM EST)