

# Reprint **Island Tides**

Visit [www.islandtides.com](http://www.islandtides.com) for more interesting articles on other BC, national & international topics

Reprint from Volume 28 Number 19

September 22, 2016

## Standing Rock Sioux standing firm - Patrick Brown

**T**he confrontation at Standing Rock, North Dakota appears to be the first pipeline construction project to be halted by an on-the-ground protest led by US Native American tribes (supported by thousands streaming in from all over the US and Canada). And, finally, the US Federal Government is involved.

The pipeline company is in a hurry, highballing construction, possibly without all the necessary permits. It is opposing the protest demonstrators using a private security firm with attack dogs. North Dakota State Troopers, some on horses, are there in numbers, with the objective of preventing violence from breaking out.

So far, the battle has been fought in local courts, using local law; the Standing Rock Sioux have not won much with local judges (who are, of course, elected). But now the US Federal Government is involved, this has the potential to assume the status of another Little Big Horn, or Wounded Knee.

### The Issues

The Standing Rock Sioux are trying to prevent the construction of the pipeline through a number of burial sites along Lake Oahe. The pipeline company (partially owned by Enbridge) responded by sending bulldozers to destroy these sites, well ahead of the rest of the construction crews.

(Jill Stein, presidential candidate of the US Green Party, has been charged with spray-painting some of this equipment, and a warrant has been issued for her arrest.)

Environmentally, a big issue is that the pipeline route crosses the Missouri river not far upstream from the biggest Sioux settlement. A leak into the Missouri at this point has the potential to affect drinking water supplies there and a long way downriver, possibly as far as the Mississippi.

This protest, and the government response, is interesting because it is precedent-setting, both in the US and Canada.

### Meanwhile, in Canada

In Canada, hearings about the proposed Energy East pipeline, from Alberta to the East Coast (to carry bitumen) have been suspended, as the three members of the National Energy Board panel (appointed under Harper's government) have resigned, having been caught in secret meetings with various people they should not have been secretly meeting with. The Chair of the NEB has also resigned (he was also appointed by Harper); he is thus unable to appoint a new panel. Energy East is opposed by

almost every First Nation across Ontario and Quebec.

The Canadian Federal Government's apparent position is that they have to get the NEB (and cabinet) to approve either Energy East or the Trans Mountain Expansion (across BC). They may have to face the possibility that they cannot approve either.

The Canadian oil industry is taking the position that they must have additional pipeline capacity to seaports to be able to export bitumen and increase Alberta production. They say that they have already reached their shipping capacity, using a combination of pipeline, rail, and truck. Some say they are exaggerating.

However, the industry, and Alberta, may have to face the possibility that bitumen production will be effectively capped at its present level. This has occurred because of low oil prices.

It is interesting that the Standing Rock situation occurs at this time, because it has reverberations in Canada.

### US Federal Position

The US Federal position (which almost certainly has the support of President Obama) is summarized in the following statement. (Credit to Arthur Caldicott and the coast's GSX newfeed).

Friday, September 9, 2016

The Department of Justice, the Department of the Army and the Department of the Interior issued the following statement regarding Standing Rock Sioux Tribe v. US Army Corps of Engineers:

'We appreciate the District Court's opinion on the US Army Corps of Engineers' compliance with the *National Historic Preservation Act*. However, important issues raised by the Standing Rock Sioux Tribe and other tribal nations and their members regarding the Dakota Access pipeline specifically, and pipeline-related decision-making generally, remain. Therefore, the Department of the Army, the Department of Justice, and the Department of the Interior will take the following steps.

'The Army will not authorize constructing the Dakota Access pipeline on Corps land bordering or under Lake Oahe until it can determine whether it will need to reconsider any of its previous decisions regarding the Lake Oahe site under the *National Environmental Policy Act* (NEPA) or other federal laws. Therefore, construction of the pipeline on Army Corps land bordering or under Lake Oahe will not go forward at this time. The Army will move expeditiously to make this determination, as everyone involved—including the pipeline company and its

© Island Tides Publishing Ltd. This article may be reproduced with the following attribution, in its entirety, and notification to Island Tides Publishing Ltd.

'This article was published (September 22, 2016) in 'Island Tides', an independent, regional newspaper distributing on the Canadian Gulf Islands, on Vancouver Island and, via the internet, worldwide.'

Island Tides Publishing Ltd, Box 55, Pender Island, BC V0N 2M0 • 1-250-216-2267 • [islandtides@islandtides.com](mailto:islandtides@islandtides.com) • [www.islandtides.com](http://www.islandtides.com)

## Reprint from ISLAND TIDES, September 22, 2016, Page 2

workers—deserves a clear and timely resolution. In the interim, we request that the pipeline company voluntarily pause all construction activity within 20 miles east or west of Lake Oahe.

‘Furthermore, this case has highlighted the need for a serious discussion on whether there should be nationwide reform with respect to considering tribes’ views on these types of infrastructure projects. Therefore, this fall, we will invite tribes to formal, government-to-government consultations on two questions: (1) within the existing statutory framework, what should the federal government do to better ensure meaningful tribal input into infrastructure-related reviews and decisions and the protection of tribal lands, resources, and treaty rights; and (2) should new legislation be proposed to Congress to alter that statutory framework and promote those goals.

‘Finally, we fully support the rights of all Americans to

assemble and speak freely. We urge everyone involved in protest or pipeline activities to adhere to the principles of nonviolence. Of course, anyone who commits violent or destructive acts may face criminal sanctions from federal, tribal, state, or local authorities. The Departments of Justice and the Interior will continue to deploy resources to North Dakota to help state, local, and tribal authorities, and the communities they serve, better communicate, defuse tensions, support peaceful protest, and maintain public safety.

‘In recent days, we have seen thousands of demonstrators come together peacefully, with support from scores of sovereign tribal governments, to exercise their First Amendment rights and to voice heartfelt concerns about the environment and historic, sacred sites. It is now incumbent on all of us to develop a path forward that serves the broadest public interest.’ 