What Does Better Engagement Look Like from Various Public Stakeholders?
Lessons from the Dakota Access Pipeline Redux

New Orleans
18 October 2018

WindHorse Strategic Initiatives, LLC
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What Does Better Engagement Look Like from Sovereign Tribal Nations and Various Public Stakeholders: Lessons from the Dakota Access Pipeline Redux

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State-Tribal Consultation Guide:
An Introduction for Colorado State Agencies to Conducting Formal Consultations with Federally Recognized American Indian Tribes

Prepared by the Colorado Commission of Indian Affairs

To consult means to ask for advice or to seek an opinion — consultation does not mean obtaining consent.

State-Tribal Consultation Guide:
An Introduction for Colorado State Agencies to Conducting Formal Consultations with Federally Recognized American Indian Tribes

By Chantalle Hunsucker, AmeriCorps VISTA

Ernest House, Jr.
Executive Director of the Colorado Commission of Indian Affairs

Lieutenant Governor Joseph A. Garcia
Chair of Colorado Commission of Indian Affairs

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Denver, CO 80203
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www.colorado.gov/legis/agency

July 2011
“Other cultures are not failed attempts at being you; they are unique manifestations of the human spirit.”

– Dr. E. Wade Davis
Lessons from the DAPL Redux:
Wounded Knee
Pine Ridge Res.
South Dakota
1973
Jon Eagle, Sr.
Elder, Teacher
Standing Rock
Tribal Historic Preservation Officer
Chief Arvol Looking Horse, 1954 - present

Age 12, 19th generation
Keeper of the Sacred
White Buffalo Calf Pipe
5 in 6:
The Five Easy Steps to Ensure Successful Streamlined Tribal Consultations In Six Months or Less!

The Buffalo Still In the Room

In Six Months or Less!

After 240 Years

Transparency, Trust, and Time
Three T’s of Highly Effective Relationship-Building

“Meaningful Consultation”
Why Tribal Consultation Regularly Fails the “Meaningful” Test
The Persistent Root Problem

- Dispossession
- Violence
- Forcible removal
- Systemic discrimination
- Destruction of culture & habitat
- Enforced assimilation
- Cultural Appropriation
The Persistent Root Problem

Dispossession, Violence, and Forcible Removal
1778– 1871 > 500 Treaties

- Fort Laramie Treaties, 1851 & 1868
- Indian Appropriation Act, 1871
- Sioux Wars, 1874 – 1877
- Battle of Greasy Grass, 1876
- Dawes Act, 1887
The Persistent Root Problem

Violence

Wounded Knee Massacre
1890
The Persistent Root Problem

Destruction of Culture and Habitat

Oahe Dam
Pick-Sloan Act
1948-1959
The Persistent Root Problem

Enforced Assimilation

Carlisle Indian School
The Persistent Root Problem

Cultural Appropriation
Three T’s of Highly Effective Relationship-Building

Trust

“Meaningful Consultation”

Time

Transparency
Dakota Access Pipeline Project

Figure 9

Cultural Resources
Federal Lands
Morton County and Emmons County, North Dakota

Date: Jun 10, 2016

UTM 83-14F

1:21,000

Date: June, 2016

North Dakota
2.1.4 Alternative 4 – Route Alternatives

Although this EA is limited to the pipeline placement on federal real property interests administered by the Corps, major route alternatives were evaluated for the pipeline route as a whole. During the DAPL Project fatal flaw analysis and early routing process, Dakota Access utilized a sophisticated and proprietary Geographic Information System (GIS)-based routing program to determine the pipeline route based on multiple publicly available and purchased datasets. Datasets utilized during the Project routing analysis included engineering (e.g., existing pipelines, railroads, karst, powerlines, etc.), environmental (e.g., critical habitat, fault lines, state parks, national forests, brownfields, national registry of historic places, etc.), and land (e.g., fee owned federal lands, federal easements, dams, airports, cemeteries, schools, mining, tribal lands, and military installations, etc.).

Each of these datasets was weighted based on the risk (e.g., low, moderate, or high based on a scale of 1,000) associated with crossing or following certain features. In general, the route for the pipeline would follow features identified as low risk, avoid or minimize crossing features identified as moderate risk, and exclude features identified as high risk. For example, the existing pipelines dataset was weighted as a low risk feature, so that the routing tool followed existing pipelines to the extent possible to minimize potential impacts. An example of a high risk feature is the national park dataset. Since national parks were weighted for the DAPL Project as high risk, the GIS routing program excluded any national parks from the pipeline route to avoid impacts on these federal lands. In addition, the routing program established a buffer between the proposed route and certain types of land, such as maintaining a 0.5-mile buffer from tribal lands.
Standing Rock Sioux Tribe
Impacts of an Oil Spill from the Dakota Access Pipeline on the Standing Rock Sioux Tribe
February 21, 2016

Potential impacts of a spill on treaty hunting & fishing rights

Spill risk, worst case discharge, leak detection, Bakken crude hazards, & emergency response

EIS & Route selection process

Economics & social justice
From the beginning of development, the Dakota Access Pipeline has been built to be one of the safest, most technologically advanced pipelines in the world. Dakota Access was designed with tremendous safety factors and state of the art construction techniques and redundancies, including construction and engineering technology that meet or exceed all safety and environmental regulations.

Statistics have shown that pipelines are safer than shipping oil by trucks or rail. DAPL can replace five to seven 100- to 120-car trains that carry crude oil every day from North Dakota – greatly reducing the risk of train accidents and spills.
- The pipeline does not encroach or cross any land owned by the Standing Rock Sioux Tribe.

- The Dakota Access Pipeline is entirely underground and will cross under Lake Oahe at a minimum depth of 95 feet below the riverbed.

- The Dakota Access Pipeline does not endanger water; the Standing Rock Sioux water inlet by early 2017 will be moved to a location more than 20 miles away from the pipeline.

- The majority of protesters are not there to protect water, as they claim, but are actually extremists opposed to any and all use of fossil fuels.

Notably, by contrast, rail cars transporting crude oil from wells owned by Native American Tribes currently cross the Standing Rock Sioux reservation without objection.

Another pipeline has operated beneath Lake Oahe for more than 35 years.

Many of the protesters on-site are not Standing Rock Sioux, but outsiders with a different more extremist agenda that is simply opposed to the use of all fossil fuels. They have provoked multiple dangerous and criminal confrontations with law enforcement, and caused significant damage to property, which have led local agencies to ask for extra federal help.
Founded in 2007, Welund is the market-leader in monitoring and identifying politically-based threats to businesses, offering client-focused intelligence and advising companies on the appropriate response.

Why monitor?

Modern communications has generated an extraordinary surge in activity amongst groups campaigning for political or social change, placing increased financial and reputational burdens on all sectors of business in most parts of the world. Robust businesses have response strategies in place to mitigate the impact of such activity.
Time Transparency

Trust

“Meaningful Consultation”

Three T’s of Highly Effective Relationship-Building
1. Tribal Nations Are NOT the public!
2. 573 Tribal Nations (Recognized) = 573 Unique Identities & Traditions

~300 languages
3. Tribal Consultation is NOT a check-the-box exercise!
4. Plan Way Ahead. Meeting Tribal Council & Department Staff on the Reservation Will Not Result in Your Death!
5. Show your work!
6. Show some respect!
Chief Black Elk, 1863 - 1952
But now... now that you're here, the word of the Lorax seems perfectly clear. UNLESS someone like you cares a whole awful lot, nothing is going to get better.””