

Declaration

Opposing Oil Sands Expansion
and the
Construction of the Keystone-XL Pipeline



WE, THE FIRST *People*

In February 2008, the Piikani Nation, the Kainai (Blood) Nation, and the Siksika Nation of the Siksikaisitapi, the Blackfoot Confederacy, were party to a resolution that required action on multiple aspects of “Tar Sands” development and expansion. The resolution was passed by Treaty Chiefs representing Treaty 6, Treaty 7 and Treaty 8 First Nations. Regrettably, the articles of that resolution have yet to be satisfactorily addressed. The Očhéthi Šakówiŋ, the constituent tribes of the Great Sioux Nation, have been in the vanguard of the resistance to the Keystone-XL Pipeline that will transport this most toxic form of crude across our 1851 and 1868 Fort Laramie Treaty lands from the “Tar Sands” to Steele City, Nebraska, where it will fuse with the existing Keystone Pipeline and be carried to the Texas Gulf Coast. The Hunkpati Dakota Oyate, the Mdewakanton and Ihanktonwan of the Khanǵi Wakpá Oyate – the Crow Creek Sioux Tribe – have fought against the Keystone Pipeline that continues to contaminate Unci Maka (Grandmother Earth). In April 2016, 18,600-gallons spilled from Keystone in traditional Ihanktonwan Dakota Oyate territory. Now, by making this Declaration, the Hunkpati Dakota Oyate join the Siksikaisitapi to reaffirm our collective commitment to the responsibilities endowed upon us since time immemorial as the First People of this land.

We, The First People, were and remain the stewards of the land and with this Declaration renew our vow to carry that sacred obligation in defense of our Mother, the Earth, and all born of her body and nurtured at her breast who are no longer heard amidst the dissonance of industrialization and corporate domination. For the unborn, for the other two-legged, for the four-legged, the winged, those of the waters and the rooted, We, The First People, will continue to be your voice. From contact, the onslaught of conquest and colonization was inflicted through the weaponization of the systematic rape and defilement of our Mother, the Earth, and the systematic rape and victimization of indigenous women. These inseparable acts of violence persist, and have enabled the destructive exploitation of areas such as “Alberta’s Tar Sands” and the construction of pipelines that subjugate land and communities to transport this virulent strain.

We, The First People, reject these incarnations of patriarchy and misogyny that underpin the ideology of Manifest Destiny which continues to be imposed upon us today:

To do any less would be a betrayal of our future generations.



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The “Tar” or “Oil sands” in present-day Alberta, Canada extend over 54,000 square miles of Aboriginal territory, the traditional lands of the Dene, Cree and Dane-zaa peoples. Multiple corporations are currently exploiting this area, which has been classified as a “sacrifice zone.” The cumulative effects of these operations over the past two decades are now considered by many to be inflicting a “slow industrial genocide” on the First Nations in that region. The construction and expansion of pipelines by TransCanada, Enbridge, Kinder Morgan and other multinationals is and will continue to extend the cultural and environmental assault being faced by the Athabasca Chipewyan First Nation, Mikisew Cree First Nation, and the Beaver Lake Cree First Nation among others in that region, to tribes beyond the Oil Sands: west, to First Nations in British Columbia; east, to Anishinaabeg Nations in the Great Lakes region of the US; south, to the Očhéthi Šakówinj (the Seven Council Fires of the Great Sioux Nation); and farther, to the Ponca and other Tribal Nations of the Great Plains en route to the Texas Gulf Coast, the terminus of TransCanada’s Keystone Pipelines.

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Before the “Oil Sands Mass Destruction” (OSMD), this area of the Athabasca River Basin was known for its boreal forests and lakes. After decades of intensive extraction, the ecological devastation is visible from space. No process of industry-required reclamation has been devised that can even approximate the restoration of this environment. Industrial Tar Sands oil extraction is the most environmentally destructive form of strip-mining employed by the energy industry. Deforestation and muskeg removal begin the process of surface mining for bitumen, a practice that requires 2.5 tons of oil sand to produce one barrel of oil. Upgrading facilities, the industrial plants characterized by smokestacks, immense landfills, tailings ponds and toxic lakes, process the bitumen to synthetic crude for transportation to refineries. Up to 1324-liters of water is required to produce one barrel of Tar Sands oil, and of the 452.5-billion liters of water designated by the provincial government for Tar Sands oil extraction, over 80% is taken from the Athabasca River. Toxic waste water from processing held in tailings ponds and lakes in one area leaked 11-million liters of contaminated waste per day into the Athabasca River, the lifeline to impacted First Nations. The Athabasca is to these communities what the Missouri River is to the Great Sioux Nation. One tailings pond alone (Tar Island) was discovered to be seeping 6-million liters per day into groundwater.

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Despite industry denials to the contrary, a 2007 report (Dr. K. Timoney/Nunee Health Board Society) found high levels of arsenic, mercury and polycyclic aromatic hydrocarbons (PAHs) increasing in the Fort Chipewyan water supply. Environment Canada reported high levels of mercury in snow near Fort McMurray. A subsequent National Academy of Sciences study found elevated levels of carcinogenic toxins in the Athabasca River. Both industry supported and government reports that downplay the health impacts on First Nations communities from toxic Oil Sands pollution continue to be contradicted by incidences of disease in these communities. Alberta Health Services conceded that during

one twelve-year period, cancers increased in Fort Chipewyan by 30% with an emphasis on leukemia, lymphomas, bile duct cancers, soft tissue sarcomas, and lung cancers. In peer-reviewed scientific studies, these cancers have been linked to petroleum products and/or PAHs in tar and soot. *Environmental and Human Health Implications of the Athabasca Oil Sands* (2014, Professor S. McLachlan/University of Manitoba) found that subsistence critical to the perpetuation of Cree and Dene culture now show elevated levels of contaminants, including PAHs. Moose and duck were among the beings impacted by arsenic and mercury, following reports from earlier decades of abnormalities among other species, which included fish deformed by tumors. A provincial air quality study published in 2016 revealed hydrocarbon emissions from tar sands operations exceeded health related thresholds in and around the Fort McKay First Nation. Benzene has frequently been detected in First Nations located near the Oil Sands, and this carcinogen will inevitably be exported to the Great Sioux Nation, the Ponca, and other Tribal Nations if the Keystone-XL Pipeline is constructed.

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It is estimated that the Oil Sands contain 360 – 510-billion tons of carbon. With continued Oil Sands expansion, greenhouse gas emissions from increased operations are projected to reach 108-megatons by 2020, almost tripling in a decade. “Canada’s tar sands, deposits of sand saturated with bitumen, contain twice the amount of carbon dioxide emitted by global oil use in our entire history,” confirmed Professor James Hansen, retired head of the NASA Goddard Institute for Space Studies, and widely regarded as the world’s leading climate scientist. “If we do nothing, it will be game over for the climate,” Professor Hansen has warned. Professor Hansen describes the proposed Keystone-XL Pipeline as “the fuse to the biggest carbon bomb on the planet.” The Keystone-XL Pipeline, rejected by the administration of President Barack Obama, has been revived by President Donald Trump. The Keystone-XL Pipeline is the artery for Oil Sands expansion. Alternative routes to market would be a disincentive to expansion as they are slower and more expansive; consequently, this would result in a reduction in carbon emissions. Any increase in Oil Sands “In-situ” operations will increase greenhouse gas emissions. 80% of bitumen in the oil sands is only recoverable by In-situ subsurface extraction, further contributing to the “carbon bomb.” President Donald Trump campaigned on neutralizing regulations to curb carbon emissions. The President, his Secretary of the Interior, Ryan Zinke, and the Administrator of the Environmental Protection Agency (EPA), Scott Pruitt, have all advocated for the construction of the Keystone-XL Pipeline, and all have either denied the existence of climate change or expressed extreme skepticism.

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President Donald Trump’s Executive Memoranda of 1/24/2017 advancing the Keystone-XL Pipeline and Dakota Access Pipeline (DAPL) stipulated that to the “maximum extent possible” steel for the pipelines is to be manufactured in the US. However, in the case of Keystone-XL, some 40% of the pipeline had already been produced by EVRAZ in Regina, Saskatchewan. EVRAZ is controlled by Russian billionaire Roman Abramovich, one of President Vladimir Putin’s closest political allies and confidants. Abramovich is also a close associate of President Trump and his family. During the Obama administration, EVRAZ suffered significant losses on the stock market. The Keystone-XL Pipeline is



designed to feature a supplemental appendage, the Bakken Marketline, to facilitate the transportation of fracked oil from the Bakken with Oil Sands crude. In 2015, Abramovich invested \$15 million in Propell Technologies Group for the production of Plasma Pulse Technology (PPT), a supposed “clean” fracking technology, that was developed at the St. Petersburg Mining Institute and the St. Petersburg Scientific Research Institute for Electrophysical Apparatus. Propell has been a major booster of the Bakken, the prime market for PPT. The Dakota Access Pipeline will run from the Bakken to Patoka, Illinois. In response to Trump’s Executive Memoranda of 1/24, Abramovich’s company stated, “EVRAZ North America applauds the Trump administration for advancing the Keystone-XL and Dakota Access pipelines.”

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Unless President Trump’s as yet unreleased tax returns demonstrate otherwise, his known investments indicate that his financial interests will be served by the construction of both the Keystone-XL and Dakota Access (DAPL) pipelines, as will those of members of his cabinet. President Trump has interests in Energy Transfer Partners (ETP), owner of Dakota Access, and stock in Phillips 66, which will control a 25% share of DAPL upon completion. The Trump campaign received donations from Kelcy Warren, CEO of Energy Transfer Partners, and both Warren and Energy Transfer Partners were major financial contributors to former Texas Governor Rick Perry’s 2012 presidential bid. Governor Perry recently transferred from the board of Energy Transfer Partners to Secretary of Energy in President Trump’s cabinet. Oasis Petroleum, a principal operator in the Bakken, is Secretary of the Interior Ryan Zinke’s largest campaign contributor. As a congressman, Secretary Zinke’s record shows consistent support for extractive industries.

Senator John Barrasso, Chairman of the Senate Committee on Environment and Public Works, who also sits on the Senate Committee on Energy and Natural Resources, has been one Capitol Hill’s most vocal Keystone-XL boosters. The Wyoming senator chaired the RNC’s Platform Committee for the Republican Party’s 2016 convention, at which Trump accepted the party’s nomination for president. Under Barrasso’s leadership, the Republican Party platform advocated returning public lands to state jurisdiction, a policy position lobbied for by multi-billionaire energy moguls, Charles and David Koch. Barrasso’s committee called for Congress to “immediately pass universal legislation providing a timely and orderly mechanism requiring the federal government to convey certain federally controlled public lands to the states” for “ranching, mining or forestry through private ownership.” Of the 535 Members of Congress, Barrasso ranks seventh among those who benefit from campaign contributions from fracking interests, and overall the oil and gas sector is Barrasso’s second highest contributor. Among Barrasso’s donors, Chevron owns 20% of the Athabasca Oil Sands Project, and Marathon is heavily invested in the oil sands and the Dakota Access Pipeline. Koch Oil Sands Operating ULC (KOSO) owns 1.1 million acres of Alberta’s Oil Sands, and has reportedly invested some \$53-million in Keystone-XL lobbying efforts.

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A pipeline is yet to be laid that is immune from leaks. Commissioned in 2010, TransCanada’s existing 2,150-mile Keystone Pipeline that transports Oil Sands crude from the OSMD in Alberta to refineries in the US, was responsible for 35 leaks in the first year, including a 21,000-gallon spill in North Dakota. In one 2016 spill, the pipeline disgorged approximately 18,000 gallons of bitumen-rich Oil Sands crude on Great Sioux Nation territory in South Dakota. Since Keystone’s commission in 2010, 465 other pipelines in the US have leaked, and of those leaks only 22% were detected by the “state-of-the-art” advanced detection system boasted by TransCanada. According to the US Department of Transportation’s Pipeline and Hazardous Materials Safety Administration (PHMSA), in the previous decade remote sensors detected a mere 5% of pipeline leaks in the US. The PHMSA has recorded 11,000 pipeline spills since 1997, one of the higher profile being Enbridge’s July 2010 catastrophe that dumped 800,000 gallons of Oil Sands crude into the Kalamazoo River in Michigan. TransCanada projects to pump 830,000-gallons of Oil Sands crude per day through Keystone-XL. Enbridge continues to drive forward with its Line 3 to move Oil Sands crude through Anishinaabeg territory in Minnesota, and TransCanada continues to insist that the Keystone-XL Pipeline will pose no threat to the Ogallala Aquifer.

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The Ogallala Aquifer extends from west Texas to the Dakotas, Nebraska to New Mexico, and it is the key formation in the High Plains Aquifer system. Underlying 174,000-square miles of 8 states, the Ogallala Aquifer provides for 20% of the irrigated farmland in the US. The citizens of Nebraska are not alone in being dependent upon the aquifer; without the aquifer, the US loses its “breadbasket,” and damage to the aquifer will have serious personal, local, regional, and national economic implications. TransCanada’s proposed 274-miles of Keystone-XL Pipeline in Nebraska will, in places, be laid where the aquifer is 10 feet or less underground. In Nebraska, Keystone-XL will cut through 163 waterways and fragile ecosystems marked by permeable soils and shallow groundwater. Scientists have concluded that should the Ogallala Aquifer be contaminated by Oil Sands crude it will be “virtually impossible to restore” to a pristine state.

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TransCanada and Keystone-XL proponents support a 2013 report compiled by industry associates which speculates that the Ogallala Aquifer could withstand a 42,000-gallon spill, a conclusion challenged by independent experts. Previous Oil Sands pipeline spills have dwarfed that 42,000-gallon projection. Oil spills considered modest by comparison have still caused significant damage to fragile environments. ExxonMobil’s Silvertip Pipeline spewed 63,000-gallons of oil into the Yellowstone River, followed by a 2015 True Co. breach that spilled an additional 32,000-gallons into the Yellowstone. True Co was responsible for the December 2016, 176,000-gallon spill in North Dakota, just 150 miles from the Standing Rock Sioux Tribe’s defense of the Missouri River against the Dakota Access Pipeline. The Piikani Nation has taken unprecedented action to protect the Greater Yellowstone region from extractive industry and further toxic pollution by initiating and carrying to Tribal Nations throughout the western regions of North America the historic document, *The Grizzly: A Treaty of Cooperation, Cultural Revitalization and Restoration*.

Influential figures within the Trump Administration, including Secretary of the Interior Ryan Zinke and Senator John Barrasso, have long sought to see Endangered Species Act (ESA) protections removed from the grizzly. By doing so, this being revered in many indigenous cultures as a sacred ancestor and teacher will be trophy hunted, and the pockets of land the grizzly occupies – beginning in Greater Yellowstone – will be available for “ranching, mining or forestry through private ownership,” as per Barrasso’s Koch Bros. inspired RNC platform. To date, 125 Tribal Nations have signed *The Grizzly: A Treaty of Cooperation, Cultural Revitalization and Restoration*, making it the most signed tribal treaty in history. The treaty reflects the September 2016 Piikani Nation Declaration opposing the delisting of the grizzly and the construction of DAPL:

“If protections are removed from the grizzly bear through delisting, what protections exist for the land will be relaxed or removed. Greater Yellowstone contains innumerable sacred and historic sites to not only the Piikani Nation and our sister tribes of the Blackfoot Confederacy, but also to the other Associated Tribes of Yellowstone . . . We do not need to elaborate upon the impact the trophy killing of a being we consider to be fundamental to our culture and spiritual well-being will have on our people and their ability to practice their religion, or how that will be exacerbated if that killing is committed on sacred land in proximity to sacred sites, but we do need to raise the specter of the destruction of these sacred sites if, as appears inevitable, corporate energy development is initiated on the lands the grizzly presently protects through its ESA status. Unless Congress repeals the 1872 General Mining Act, that law will hold primacy in respect to the 28 mining claims with operating plans in Yellowstone that USFWS references in its grizzly bear delisting rule. Those mines are in core grizzly bear habitat, and it remains unclear how many such claims exist throughout Greater Yellowstone. Upon development, those mines will threaten environmental harms to Tribal Nations’ sacred and historic sites, and to treaty lands in the region.”

Three days after President Donald Trump’s inauguration, an Interior Department official confirmed that there are presently 21 oil and gas “Plans of Operation” for Greater Yellowstone upon the delisting of the grizzly, and added, “There are a heck of a lot more mining claims because a given plan of operation can be associated with multiple mining claims.” Months before the Trump campaign’s and the president’s so-called “Russia problem” emerged, the Oglala Sioux Tribe (OST) called for a Congressional inquiry into a list of irregularities and apparent conflicts of interest in the grizzly delisting process, including alleged ties between a prominent Bush-era USFWS appointee and Anadarko Petroleum and Gas. Anadarko describes itself as “one of the largest landowners and leaseholders” in Wyoming, the state where the bulk of Yellowstone and its grizzlies can be found. Anadarko is a major campaign finance contributor to Wyoming Governor, Matt Mead, and Wyoming’s Senators, Mike Enzi and John Barrasso, all outspoken proponents of delisting. Presently, Anadarko operates over 7,000 wells in Wyoming. The Oglala Sioux also wanted insight into why the USFWS chose Amec Foster Wheeler, run by former Halliburton executive, CEO Jon Lewis, to oversee the scientific peer review of the Yellowstone grizzly delisting rule.

The *Wall Street Journal* and *Financial Times* reported that after the Obama Administration imposed the sanctions on Russia that stalled the ExxonMobil-Russian state-run energy

behemoth Rosneft multi-billion-dollar deal to drill in the Russian Arctic, under then CEO and now Secretary of State Rex Tillerson, ExxonMobil sought to acquire Anadarko. In their book, *Energy Potential of the Russian Arctic Seas: Choice of Development Strategy*, authors Alexey Piskarev and Mikhail Shkatov identified Anadarko as a model company. Russia’s state-owned VTB Bank holds the fate of liquefied natural gas (LNG) investments in Mozambique, including those of Anadarko, Rosneft and Amec Foster Wheeler, as VTB is Mozambique’s main creditor on a \$535-million loan for energy infrastructure. Anadarko director, former Suncor Energy CEO Rick George, oversaw Suncor’s merger with Petro-Canada, after the fellow-Canadian energy giant had concluded a deal with Gazprom for an LNG plant on the Baltic Sea. Gazprom CEO Alexey Miller is a Putin loyalist, though Russia’s former deputy energy minister, Vladimir Milov, described Putin as “the acting CEO of Gazprom.”

Rick George, known as “Mr. Oil Sands,” was instrumental in the development and expansion of Alberta’s “Tar Sands,” the bitumen-crude from which the Keystone-XL Pipeline, built by Putin-confidant Abramovich’s EVRAZ company, will transport, now Tillerson’s State Department and President Trump have signed-off on the Keystone-XL permit.

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Violations of treaty rights and the decimation of sacred lands and sacred beings are a hallmark of corporate energy exploitation in relation to tribal lands and interests. Just as the grizzly was taken to the brink of extinction by westward expansion, invariably inspired by mining operations from gold to silver, to wider mineral and energy extraction that consumed and polluted habitat in over a century of destruction - so the caribou has suffered a similar fate since the increase in Oil Sands industrial development over the last two decades. The caribou, the staff of life for First Nations on the frontlines of the OSMD, has, since the dawn of time, provided physical and spiritual sustenance, but in less than ten years from the signing of this Declaration, the Athabasca River caribou herd could be extinct. On the east side of the river, where many of the In-situ operations have been established, the herd has declined by 71% since 1996. The Cold Lake herd has suffered a 74% loss since 1998. A decade later, Canada’s Environment Ministry announced that caribou herds in northeastern Alberta have ceased to be self-sustaining. Biologists estimate that if habitat protection is not forthcoming soon, the caribou the impacted First Nations depend upon will be reduced to fewer than 50 by 2025, and regionally extinct by 2040. Be it the caribou or the grizzly bear, Chief Vern Janvier of the Chipewyan Prairie First Nation articulated how the sacrifice of sacred beings on the altars of fossil fuel profits is an act of cultural genocide:

“The extinction of caribou would mean the extinction of our people. The caribou is our sacred animal; it is a measure of our way of life. When the caribou are dying, the land is dying.”

In what the *New York Times* described as “a three-way alliance formed among Congress, the Trump administration and industries,” the Republican-controlled House and Senate has begun to enact the Koch Bros. backed Freedom Partners’ *A Roadmap to Repeal*, a document that advocates decimating environmental protections by repealing regulations that curbed oil and gas company practices, such as mechanisms to check unabated



expansion. Concurrently, Senator John Barrasso, Chairman of the Senate Committee on Environment and Public Works, has already initiated “modernizing” the Endangered Species Act to further enable extractive industry development and extraction. Barrasso’s record demonstrates his antagonism to the ESA, a predictable stance from a politician funded by Murray Energy, Chevron, Marathon and Anadarko Petroleum and Gas. Murray Energy claims to be the “largest underground coal mining company in America,” and on the day Scott Pruitt was confirmed as the Trump administration’s EPA Administrator, Murray CEO, Robert Murray, announced, “Global warming is a hoax.” Pruitt, a fellow “climate change skeptic,” received a passionate endorsement from Barrasso on the Senate floor before the confirmation vote. Sacred beings like the grizzly, the caribou, the wolf and many others, and the sacred lands they live in reciprocity upon, are now as imperiled as they have ever been in the relentless march of Manifest Destiny. We, The First People, stand between them and destruction.

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At a rally in Melbourne, Florida (2/18/2017), President Donald Trump confirmed that he had chosen former Oklahoma Attorney General, Scott Pruitt, to be Administrator of the Environmental Protection Agency (EPA) because he believed Pruitt would be “great” at cutting regulations designed to protect the environment that the president considers burdensome to extractive industries. Pruitt consistently represented the interests of oil and gas companies and the extractive industry as whole during his tenure as Oklahoma’s AG. During Pruitt’s confirmation process, nearly 500 former EPA officials signed a letter addressed to Senate Majority Leader, Mitch McConnell, that stated, “Mr. Pruitt has shown no interest in enforcing environmental laws, a critically important function for EPA. While serving as Oklahoma’s top law enforcement officer, Mr. Pruitt issued more than 50 press releases celebrating lawsuits to overturn EPA standards.” Pruitt coordinated 28 state legal challenges to federal environmental regulations, aggressively fought to derail policies aimed at addressing climate change, and sued multiple times to weaken the very agency he will now lead. “We are most concerned about Mr. Pruitt’s reluctance to accept and act on the strong scientific consensus on climate change. Our country’s own National Research Council, the principal operating arm of the National Academies of Science and Engineering, concluded in a 2010 report requested by Congress that human activity is altering the climate to an extent that poses grave risks to Americans’ health and welfare. Despite this and other authoritative warnings about the dangers of climate change, Mr. Pruitt persists in pointing to uncertainty about the precise extent of humanity’s contribution to the problem as a basis for resisting taking any regulatory action to help solve it,” the EPA veterans wrote McConnell, but to no avail.

As Oklahoma AG, Pruitt routinely sent letters under his office’s seal that had been drafted by energy companies to protest environmental regulations. KochPAC, one of the Koch Bros. political-action committees, in concert with fellow billionaire energy moguls such as Harold Hamm and Larry Nichols, have bankrolled Pruitt’s political campaigns. Both Hamm and Nichols served as advisers to President Trump on energy policy. “Mr. Pruitt has gone to disturbing lengths to advance the views and interests of

business,” summarized the former EPA administrators in their letter to McConnell. Pruitt’s record with the EPA reflects his policy towards Tribal Nations. Pruitt’s actions have demonstrated an anti-sovereignty bias, as he has consistently litigated to undermine tribes’ rights, from jurisdictional issues to sovereign immunity. As EPA Administrator, Pruitt’s record suggests that he will seek to impose his edits on tribes irrespective of tribes’ sovereignty. Water is unlikely to be life on Indian lands with Pruitt in charge, and what environmental protections will there be to defend against spills from DAPL and Keystone-XL with Pruitt at the helm? What will become of Superfund sites that threaten the existence of Tribal Nations, such as the Anaconda Mine in Nevada that looms over the Walker River and Yerington Paiute? What will become of the sacred lands of Yellowstone if the grizzly is delisted and extractive industries put the existing “Plans of Operation” in motion?

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Since signing his Executive Memoranda of 1/24/2017 advancing the Keystone-XL Pipeline and Dakota Access Pipeline, President Donald Trump has variously claimed that the Keystone-XL Pipeline will create 32,000 jobs, 28,000 jobs and “from 30 to 40,000 jobs.” TransCanada CEO Russ Girling is on record as stating that Keystone-XL would create 42,000 jobs, and that those jobs would be “ongoing and enduring,” which is demonstrably false. The exaggerated jobs “talking points” have been consistently debunked by the Pulitzer prize-winning *PolitiFact*. The figure and talking point cited by Girling has been repeated by Senator John Barrasso and other Republican K-XL boosters since the US State Department’s 2014 Keystone-XL report. Though widely discredited for apparent attempts to minimize Keystone-XL’s environmental impact, the State Department report does explain that after the extrapolations it presents pertaining to jobs, “When expressed as average annual employment, this equates to approximately 3,900 jobs.” Further, the State Department report projects that jobs created by the project will be seasonal, mostly in construction, and with a duration of 4 to 8 months. In its final analysis, the State Department concluded that the Keystone-XL Pipeline will only create 35 permanent jobs, with 15 temporary contractors also being retained from the 3,900.

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Today’s “man camps” of extractive industry development and pipeline construction are yesterday’s trading posts, mining squats, and the railroads’ “hell-on-wheels.” On the Fort Berthold Indian Reservation, crime tripled with the advent of the Bakken and the “man camps” that house the transient workforce. Violence against women has increased 168% with rape high in that statistic. The Bakken “man camps” and neighboring towns have become magnets for human traffickers, with girls in their early-teens among the sex slaves transported to the region. Heroin and methamphetamine, the drugs introduced on the Fort Berthold Indian Reservation by the dealers who supply the Bakken, have created an addiction crisis on the reservation, which has exacerbated the cycle of sexual abuse. The Bakken, for which the Dakota Access Pipeline and Keystone-XL Pipeline attachment will exist to serve, is not the exception, it is the rule. “I have learned that in many cases indigenous women living in communities near oil, gas and mining operations are



vulnerable to sexually transmitted diseases, including HIV/AIDS, which are often introduced with a rapid increase of extractive workers in indigenous areas. In addition, indigenous women have reported that the influx of workers into indigenous communities as a result of extractive projects also led to increased incidents of sexual harassment and violence, including rape and assault,” wrote former UN Special Rapporteur on the Rights of Indigenous Peoples, James Anaya, in a 2014 report. Even without the invasion of “man camps,” the US Department of Justice estimates that Native women are around 2.5 times more likely to be victims of sexual assault when compared to the general population. “When one in three Native American women will be raped in their lifetimes, that is an assault on our national conscience,” declared President Obama in 2010, “it is an affront to our shared humanity; it is something that we cannot allow to continue.” However, President Trump’s “advance” of the Keystone-XL Pipeline and similar projects will guarantee that it does continue. During the construction of the Keystone-XL Pipeline, “man camps” proposed to hold up to 1,000 workers each are planned to be raised within an hour’s drive of Great Sioux Nation tribal communities.

Now THEREFORE . . .

Now, therefore, be it resolved that We, The First People, the signatories of this Declaration introduced by the Piikani Nation of the Blackfoot Confederacy and the Crow Creek Sioux Tribe of the Očhéthi Šakówinj, oppose the construction of the Keystone-XL Pipeline and the further expansion of Oil Sands exploitation within the prevailing industry-dominated system. The dire human and environmental costs of these and corresponding projects provides the strongest illustration that the existing tribal consultation processes in both Canada and the United States must be overhauled, and that for any proposal to be activated that impacts Tribal Nations, the consultation process must conclude with tribal consent. Time and again, in its present format, this fundamental trust responsibility is subject to abuse and circumnavigation. Be it the Crown in Canada or the US Government, the state is not a neutral arbiter, but a trustee with responsibilities enshrined by treaty. South of the Medicine Line, the federal Indian trust responsibility is a legally enforceable fiduciary obligation on the part of the United States to protect tribal treaty rights, lands, assets, and resources; this legally enforceable fiduciary obligation is not rendered moot by extractive industry campaign donations to congressmen, senators or state government executives. Consultation cannot be delegated to corporations, and a prerequisite of consultation must be that the process remains free of industry-influence. “Pre-decisional” and “meaningful” government-to-government consultation is not a phone call, a stock letter, or a “listening session” undertaken to simply check a box.

Treaty rights are routinely violated to enable corporate energy extraction, the construction of pipelines, and mega-load shipments of toxic crude. A treaty violation is a violation of law, be it Treaty 8 in respect to the First Nations on the frontlines of the Oil Sands, the

1851 and 1868 Fort Laramie Treaties protecting the people, the land, and the water from the Dakota Access and Keystone-XL pipelines, the 1855 Lane Bull Treaty, Treaty 7, or innumerable others in myriad tribal territories which retain legal force today. The inter-generational violence of poverty inflicted upon tribal communities can no longer be exploited by multinational energy companies and their political bidders to hold tribes’ hostage; tribal sovereignty is inherent and self-determination is an expression of sovereignty. Self-determination is not an economic bargaining chip offered as choice when there are no other options available, particularly if there are insufficient resources to litigate against a given industry objective that threatens harms to a tribe’s people and lands. Industry strategies used with First Nations in connection to the Oil Sands are likely to be replicated in the US, if, as reported, President Donald Trump’s administration seeks to privatize 56-million acres of reservation lands, which are estimated to hold a fifth of the oil and gas reserves in the US, in addition to extensive coal reserves. Secretary of the Interior, Ryan Zinke, has previously supported the Native American Energy Act (NAEA), which has been described as, “a 21st Century equivalent of the Homestead Act for the benefit of Big Energy.”

In making this Declaration, We, The First People, are mindful that the southern section of the Keystone-XL Pipeline is already operational, and that families from Cushing, Oklahoma, to East Texas, and down the line to the Texas Gulf Coast, are already living beneath its specter. Tribal Nations are survivors from dispossession, forced from our homelands by threats, intimidation, coercion and brutality, and therefore we empathize with those victimized by eminent domain for the fulfillment of the Keystone-XL Pipeline. Senator Barrasso insists that the construction of the Keystone-XL Pipeline is a choice between “environmental extremism and the economy.” However, as this Declaration reveals, the extremists are not those defending the environment. The consequences of Oil Sands expansion and the Keystone-XL Pipeline have global implications. Once irreparably harmed by climate change, there will be no ineffectual extractive industry reclamation project that can save the planet.

This Declaration is made in accord with the ILO’s Indigenous and Tribal Peoples Convention; The Treaty Alliance Against Tar Sands Expansion; The Grizzly - A Treaty of Cooperation, Cultural Revitalization and Restoration; The Universal Declaration of the Rights of Mother Earth; The Athabasca Chipewyan First Nation Elders Council Declaration on Rights to Land Use; and The Ihanktonwan Treaty Council Treaty to Protect the Sacred from the Tar Sands and the Keystone-XL Pipeline.

This Declaration is analogous to the UN Declaration on the Rights of Indigenous People (UNDRIP).



In testimony of all which we the said Chiefs Chairmen
Presidents Councilpersons Headmen and Spiritual Leaders
have hereunto set our hands this day:

A project inspired by our ancestors and undertaken for our seven future generations.
Initiated in solidarity and mutual respect by the Piikani Nation of the Blackfoot Confederacy
and the Crow Creek Sioux Tribe of the Great Sioux Nation.

