

Native Challenges to Fossil Fuel Industry Shipping at Pacific Northwest Ports

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In recent years, the Pacific Northwest has become a region on the cutting edge of curbing carbon emissions. But any efforts to mitigate greenhouse gasses, adapt to climate change, or switch to renewable energies will become moot if the fossil fuel industry continues to expand in Alberta, the Great Plains, and beyond. Despite the enormous scale and reach of energy corporations, their top-heavy operations are actually quite vulnerable to social movements who creatively use spatial strategies and tactics. The climate justice movement has identified the Achilles heel of the energy industry: shipping. The industry needs to ship equipment from ports into its oil, gas, and coal fields, and to ship the fossil fuels via rail, barge, and pipeline to coastal ports for access to the U.S. market and shipment to global markets, particularly in Asia.

The three growing fossil fuel sources in North America are in the middle of the continent: the Alberta Tar Sands, the Powder River Coal Basin, and more recently the Bakken Oil Shale Basin. Every step of the way, new alliances of environmental and climate justice activists, farmers and ranchers, and Native peoples are blocking plans to ship carbon and the technology to extract it. All three of these sources need outlets via ports in the Pacific Northwest states of Washington and Oregon. My presentation will focus on the role of Northwest ports in fossil fuel shipping and equipment networks, and the Native/non-Native alliances that are confronting them. Like the new “Great Game” in Central Asia to build oil and gas pipelines from the Caspian Basin, the “Great Game” in North America is to extract fossil fuels from Alberta, Montana, Wyoming, and North Dakota.

The Alberta Tar Sands are the Mordor of the energy industry, with vast northern tracts of the province turned into a wasteland, air quality degraded to the level of Beijing, and Cree and Métis communities contaminated with toxic chemicals in their water. The fights against two proposed tar-sands pipelines, led by Indigenous peoples, are by now well known, against the Keystone XL pipeline in the Great Plains, and the Enbridge Northern Gateway pipeline planned across B.C.

But lesser known is that tar-sands oil is now pumped through the Kinder-Morgan TransMountain pipeline to Burnaby, near Vancouver, B.C., and to the Anacortes refinery on former Swinomish Reservation land in Washington, taken by White House executive order in the 1870s. The pipeline has ruptured at times, affecting First Nations along the route, but the company now proposes a second, parallel pipeline along the existing route, opposed by First Nations and allies. The proposal for a second pipeline would double oil tanker traffic in the narrow interisland straits of the Salish Sea. First Nations in BC and Washington tribal governments have recently joined to intervene against the second pipeline.

Oil companies are also engaged in a “heavy haul” of gargantuan mining equipment, called “megaloads” *from* Pacific Northwest ports to northern Alberta. Direct actions by Nez Perce tribal council members and other Idaho residents forced the cancellation of a proposed Heavy Haul along windy river roads through Lolo Pass. This winter, members of the Umatilla and Warm Springs tribes have been confronting the “megaloads” off-loaded from barges in eastern Oregon. But the main sources of fossil fuel shipping in Pacific Northwest ports are from two lesser-known basins.

The Powder River Coal Basin, in Wyoming and Montana, has been a fossil fuel frontier since the 1970s. Northern Cheyenne allied with white ranchers to curb the proliferation of coal plants, with the tribe declaring its air to be Class I under EPA “Treatment As State” nondegradation rules. Stripmining machines the size of a 20-story building ravage the landscape, removing the “overburden” topsoil and leaving behind a sterile “hardpan” surface where nothing can grow.

In coal boom towns (such as Gillette, Wyoming), trailer parks have colonized the hillsides, as the local community extends its public services for the influx of miners, leading to an inevitable “boom-and-bust” effect. The Powder River Basin produces 42 percent of the nation’s coal.

Given the widespread success of environmental alliances in rolling back the coal industry in the U.S., the industry is turning toward exports to growing Asian economies as the key to future profits. And as we all know, China needs more coal, as these photos of Beijing’s recent air pollution emergency show. The energy industry is now proposing to ship Powder River Basin coal to Asia through Northwest ports. Environmentalists, farmers, ranchers and tribes fear the coal dust from the trains (up to a ton of dust from each of 150 rail cars) would endanger waterways along the routes and the health of local people and livestock.

Only one West Coast port, in Tsawwassen, B.C., currently has a coal-export terminal. Local opponents have already defeated coal terminals proposed in Aberdeen, Washington, and St. Helens and Coos Bay, Oregon. The Gateway Pacific Terminal project at Cherry Point, near Bellingham, and the Millennium Bulk Terminal, near Longview on the Columbia, are the two remaining Washington proposals, along with a coal barge terminal planned in Boardman, Oregon. The Columbia River Inter-Tribal Fish Commission opposes plans for coal barges along the Columbia Gorge as a threat to the treaty salmon fishing of four tribes, as have tribal members along the coal train route, such as from Nisqually. Thousands of people have attended scoping hearings on the projects in the two states, and dozens of towns and cities have passed resolutions against the plans, with local governments questioning the traffic tie-ups and noise. Although some labor union members support the plan for jobs, others oppose it as helping to export jobs to China, and for contributing to climate change.

Cherry Point would be the largest coal terminal on the West Coast, exporting 48 million metric tons a year. But Cherry Point (Xwe’chi’eXen) is on land taken from the Lummi Nation by another executive order in the 1870s, and is the site of a 3,500-year-old village and its sacred burial ground. The rail trestle would be built 300 feet out into a historic reef-net salmon fishing area, where ancient anchors have been found. The area is one of the few herring spawning grounds left in the Northwest. The Lummi see the coal plan as a violation of the 1855 Point Elliot Treaty, which guarantees the tribes’ access to fish in their “usual and accustomed grounds.” Two years ago, the Lummi Tribal Council symbolically burned a \$1 million check, to make the statement that no amount of company money will convince them to back the project.

Just as the Lummi and other Coast Salish tribes are leading the movement to stop the coal terminal in Washington, Northern Cheyenne tribal members are at the forefront of the movement to stop the proposed Otter Creek coal mine and Tongue River Railroad at the other end of the of the rail line. They see stopping the coal export terminals as key to stopping Montana coal mining operations. As such, they testified at Northwest hearings, again with white ranchers from the Tongue River Valley around Colstrip, Montana. Montana Tribes and ranchers had previously united in the 1970s to slow coal mining and in the 1990s to stop gold mining. But now we see strong Native/non-Native alliances at both ends of this coal shipping route, which have expanded the scale of conflict. Northern Cheyenne organizer Vanessa Braided Hair observes of the company, “What Arch Coal doesn’t understand is community... They don’t understand the fierceness with which the people, Indian and non-Indian, in southeastern Montana love the land.” Rancher Roger Sprague says of the Northern Cheyenne, “We’re neighbors with these people, and we’re proud to work with these people. We don’t want this mine in here... It’s our life. We’ve fought hard to put it together, and we’d like to keep it that way.”

Last year, Lummi carver Jewell James led the Kwel Hoy’ totem pole journey, taking his pole from Northern Cheyenne and Crow to the Northwest to demonstrate the unity of Indigenous peoples and allies along the route. Montana rancher Jeanie Alderson told the participants, “Our fates are tied together despite the distance.” Using their sovereign powers and federal trust responsibility, tribes can draw in federal agencies and courts into the fray in a way that local and

state governments cannot (such as in Washington State, where a federal court has used the treaties to order the State to protect salmon habitat in the recent Culverts case), and tribes offer a strong cultural anchor to the movement that makes it less willing to compromise. Tribes cannot move away from risks or shift their treaty harvesting areas, because they are fixed in place.

Former Montana Governor Brian Schweitzer, a strong proponent of the coal industry, has admitted that the coal terminal plan is already dead. By increasing the costs for the industry, opponents are increasing the costs of shipping and (even if they lose a battle or two) severely limiting the bulk volume of coal that can be shipped for export. By making fossil fuel shipments more socially and economically costly, they are bringing closer the day when the energy economy is forced to convert to renewable fuels. As long as subsidized fossil fuels remain cheaper, the needed conversion to renewables will never take place.

The Bakken oil shale formation in North Dakota is a growing fossil fuel frontier zone, around the new boom town of Williston. More than 7,000 wells have been drilled in the area, and the state has a capacity for 63,000 more. The process of “fracking” (or the hydraulic fracturing of bedrock with water and chemicals) has recently made the state number two in U.S. oil production, after Texas. Fracking has been an environmental concern, lowering water tables and contaminating water with chemicals, gasses, and oil spills, yet the process is exempt from the Safe Drinking Water Act. The oil boom has been a social scourge, with housing shortages, prostitution in “man camps,” and endless traffic of chemical and water trucks.

Although the Fort Berthold tribal government supports the fracking for development, some tribal members have been displaced, and others fear an increase in cancers that have already been climbing from previous oil and coal development. Tribal member Kandi Mossett of the Indigenous Environmental Network, testifies, “Several community members, including myself, are tired of being sick and are tired of seeing everyone, even babies, dying from unprecedented rates of cancer. We are taking a stand and fighting back, not only for our own lives but for the lives of those who cannot speak for themselves, and we will not stop fighting until we have reached a true level of environmental and climate justice in our Indigenous lands.”

Because the companies only care about profitable oil, the natural gas is flared off, making the Bakken glow like a city, visible from Earth orbit. Bakken crude is more volatile than other oil, so when oil trains derail they erupt in huge explosions, like the fireball that killed 47 people in Quebec. There were more oil train spills last year than in the 37 years prior.

Washington ports propose to receive rail shipments of fracked crude oil from North Dakota, to ship not overseas, but to West Coast refineries. According to a Sightline Institute report, if all Northwest oil-by-rail plans proceed, they could cumulatively carry as much crude oil as the proposed Keystone XL pipeline. A Tesoro oil terminal planned for Vancouver, Washington, across the Columbia from Portland has met strong local opposition. Up to 50 oil trains a month, each 1.5 miles long, would supply three oil terminals in Aberdeen, where Bakken oil would be loaded into enormous tankers, next to key migrating bird habitat. A lawsuit by the Quinault Nation and environmental groups, who are also concerned about the effects of an oil tanker spill on local fisheries and shellfish beds, convinced the state to revoke permits for the oil terminals, pending an EIS.

The Port of Olympia is now involved in a “Heavy Haul” of extraction supplies *to* North Dakota, which has met intense local opposition. The supplies that have arrived in Olympia are ceramic proppants, imported *from China*, which literally prop up the weight of the earth so that oil and gas can be released in the fracking process. Ironically, the Port itself may be inundated as sea-level rise continues.

Spatial Strategies. The communities opposing coal and oil trains, oil pipelines, and equipment megaloads now have ways to think globally, but act locally, to help roll back climate change.

Geographic strategies to stop equipment from reaching the oil fields, or to block fossil fuels from being shipped via rail or pipeline, can be more effective if they are coordinated continent-wide. The goal is to make the expansion of energy projects more costly and risky, and ultimately to downsize them. By blocking shipping plans, the climate justice movement can at least help to prevent the rapid expansion of the energy industry, by keeping more of the fossil fuels in the ground. The energy companies can also play a geographical “shell game” to shift burdens around the landscape, and pit communities against each other, such as Native and non-Native communities.

Unlikely Alliances. Since the 1970s, unlikely alliances have joined Native communities with their rural white neighbors (some of whom had been their worst enemies) to protect their common lands and waters. These unique convergences have confronted mines, dams, logging, power lines, nuclear waste, military projects, and other threats. My main education has been as an activist in such alliances in South Dakota and Wisconsin. I studied these alliances in my University of Wisconsin doctoral dissertation, which I am now turning into a book for the University of Washington Press “Indigenous Confluences” series. I found that the alliances not only joined Natives and non-Natives to confront an outside threat as a common enemy, but shifted the consciousness and actions of the non-Native participants, as they learned about the continuity of Indigenous cultural traditions, legal powers, and environmental resilience. As I’ve presented before, the areas of the most intense treaty conflicts have ironically had the earliest and strongest tribal environmental alliances with white farmers, ranchers, and fishers.

In the 2010s, new “unlikely alliances” of Native peoples and their rural white neighbors are standing strong against fossil fuel and mining projects. In Nebraska and South Dakota, grassroots coalitions of Native peoples and white ranchers and farmers are fighting the Keystone XL pipeline. The aptly named “Cowboy and Indian Alliance” will have a tipi encampment on the National Mall in Washington DC later this month. The pipeline company tried to buy off some farmers by moving the pipeline route away from their lands—but those farmers have not given up the fight, and continue to work with others who are still directly affected, including Native communities. Farmers and ranchers oppose eminent domain by stressing their right to private property, which of course were originally homesteads stolen from the tribes. So tribes insist that their allies not only fight damaging projects, but become stewards of the land and help to protect sacred sites on their property. As Yankton Nakota elder Faith Spotted Eagle states, “We come from two cultures that clashed over land, and so this is a healing for the generations.”

In the Maritimes, Mi’kmaq and Maliseet are confronting shale gas fracking, joined by Acadian and Anglophone neighbors. Climate change enables the expansion of the scope of conflict to encompass a wide range of rural and urban communities. The climate justice movement’s focus on regional and global climate change enables a wider scale of collaboration than purely localist approaches that can succumb to corporate “divide-and-conquer” tactics. But the strongest alliance is still in defense of a common place, and a local alliance of tribes and non-Native residents may be more effective as a legitimate force of “insiders” than an alliance only between rural tribes and urban environmental activists who can be successfully be portrayed as “outsiders,” when the real outsiders are the corporations themselves.

In the Great Lakes, Bad River Ojibwe are leading the fight to stop metallic mining, drawing on past anti-mining alliances of Ojibwe and white fishers, and Ho-Chunk and other local residents are protesting frac sand mining. The key to any successful environmental strategy is to turn it from a Not In My Back Yard struggle to a Not In Anybody’s Back Yard struggle, and to anticipate and respond to wedge issues intended to racially divide an alliance, such as geographically moving the burden of pollution.

The Idle No More movement similarly connects First Nations’ sovereignty to the protection of the Earth for all people—Native and non-Native alike. Idle No More co-founder Sylvia McAdam states, “Indigenous sovereignty is all about protecting the land, the water, the animals, and all the

environment we share.” Gyasi Ross observes that Idle No More “is about protecting the Earth for all people from the carnivorous and capitalistic spirit that wants to exploit and extract every last bit of resources from the land.... It’s not a Native thing or a white thing, it’s an Indigenous worldview thing. It’s a ‘protect the Earth’ thing.”

Because Native sovereignty has the ability to stand in the way of corporate capitalist plans, national security agencies and private corporations are increasingly identifying effective alliances (that increase the costs and social risks of energy, mineral, and water profits) as threats to “critical infrastructure,” counterposing the protection of Indigenous homelands to statecentric ideologies of “homeland security.” Canada’s Integrated Threat Assessment Centre claims that “aboriginal extremists have demonstrated both the intent and capability to target critical infrastructure in Canada, although no incidents...occurred during the reporting period.”

Leanne Simpson sees Idle No More as “an opportunity for the environmental movement, for social-justice groups, and for mainstream Canadians to stand with us.... We have a lot of ideas about how to live gently within our territory in a way where we have separate jurisdictions and separate nations but over a shared territory. I think there’s a responsibility on the part of mainstream community and society to figure out a way of living more sustainably and extracting themselves from extractivist thinking.”

The continued existence of Native nationhood today, as Audra Simpson points out, undermines the claims of settler colonial states to the land. Unlikely alliances can help chip away at the legitimacy of colonial structures, *even among some of the settlers themselves*, when they begin to realize that Native sovereignty has become a more effective guardian of their own land, water, and livelihood than their own non-Native governments. Rancher Paul Seamans, of Dakota Rural Action, told me the Lakota “feel the government should step up and do what’s right by them on the 1868 Treaty... They’re not after the deeded land. They would like the government to recognize that they’ve been screwed, and...to have the federal and state lands back...After being around them and listening to their point of view, I get to thinking, ‘hey, if I was Indian I would be doing the same exact damn thing that they’re doing.’”

To stand in solidarity with Indigenous nations is not just to “support Native rights,” but to strike at the very underpinnings of the Western social order that deindigenized Europeans before the colonization of North America even began, and begin to free both Native and non-Native peoples from that order for the sake of our survival. As B.C. activist Harsha Walia writes, “I have been encouraged to think of human interconnectedness and kinship in building alliances with Indigenous communities... striving toward decolonization and walking together toward transformation requires us to challenge a dehumanizing social organization that perpetuates our isolation from each other and normalizes a lack of responsibility to one another and the Earth.”

By asserting their treaty rights, Indigenous nations are benefiting not only themselves, but also their treaty partners. Since Europeans in North America are more separated in time and place from their indigenous origins, they need to respectfully ally with Native nations to help find their own path to what it means to be a human being living on the Earth—without appropriating Native cultures. The non-Native role is not to look at ourselves merely as an individual “ally,” and fail to take any action until we have cleansed ourselves of all personal racism, but to become *part of an alliance*, to collectively take on racist institutions as we work on ourselves.

Our role is not simply to learn from Native peoples, and extract knowledge that can serve non-Native purposes, but to recognize that the tribal exercise of power can serve Native and non-Native people alike. It is not the role of non-Natives to dissect Native cultures, but to study Native/non-Native relations, and white attitudes and policies. The responsibility of non-Natives is to help remove the barriers and obstacles to Native sovereignty in their *own* governments and communities.

As the fossil fuel wars show, non-Native neighbors can begin to look to Native nations for models to make North America more socially just, more ecologically resilient, and more hopeful. As Red Cliff Ojibwe organizer Walt Bresette once told non-Natives fighting a proposed mine, “You can all love this land as much as we do.”

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