

Pipeline projects' revival hits close to home in Northwest

BY STEPHEN QUIRKE
STAFF WRITER

President Donald Trump made headlines last month when he signed executive orders fast-tracking the Dakota Access Pipeline in North Dakota and Keystone XL pipeline in South Dakota – two oil pipelines that have generated unprecedented opposition from Native American tribes and an enormous solidarity movement from non-native supporters.

In early December, the Army Corps of Engineers refused to grant the final permit needed for the Dakota Access Pipeline but quickly reversed course after Trump's Jan. 24 executive orders, granting the final easement to drill under Lake Oahe early this month.

The Rosebud Sioux of South Dakota have called the approval of Keystone XL "an act of war against our people," and the Cheyenne River Sioux have already filed a lawsuit to block further construction and operation of the Dakota Access Pipeline, which they say threatens their only source of drinking water.

On Feb 11, demonstrators shut down the northbound lanes of Interstate 5 in Bellingham, Wash., for an hour to demonstrate opposition to the Dakota Access Pipeline and the executive order.

But as more people mobilize to take the streets and organize against the pipelines, some are keeping their eye on similar projects closer to home.

Like these two oil pipelines, energy projects in the Pacific Northwest have stumbled over Native treaties – the same foundational documents that allowed the Oregon Constitution to be enacted and provided the first grants of land that served as the legal foundation for statehood. In exchange for these land grants, the treaties guaranteed the tribes continuous cultural access to traditional ecological resources – including the traditional food and water whose health rests on the absence of strip mines, gushing oil pipes, and mountains of coal dust.

Many of these fossil fuel export projects have faltered due to opposition from tribes, with government agencies citing Native positions when denying permits. But like the government's flip on the Dakota Access and Keystone XL pipelines, some of these proposals may be up for a sudden reversal – particularly where a federal permit is their only major obstacle.

Trump has tapped two Republican senators from Washington state to lead his transition at the Environmental Protection Agency: Don Benton of Vancouver and Doug Ericksen of Ferndale. Ericksen's state Senate district has been the battleground for the dead-for-now proposal to build the largest coal export terminal on the continent – directly adjacent to Native fishing sites and directly on top of the burial grounds for the Lummi Nation. Benton's district holds the still contentious Tesoro-Savage oil terminal – a proposal that would handle 15 million gallons of oil per day, and move an additional 36 oil trains per week through the Columbia River Gorge, making it the largest oil terminal of its kind in the United States – one vigorously opposed by the Yakama Nation.

In May, the Army Corps of Engineers dealt a major blow to the Gateway Pacific terminal when it affirmed Lummi treaty rights and denied the company a major permit. And in January, Washington's outgoing Public Lands Commissioner, Peter Goldmark, officially followed that up by adding the Lummi Nation's burial grounds at Xwe'chieXen (pronounced Coo-chee-ah-chin) to the Cherry Point Aquatic Reserve – 45 acres the company wanted for construction. Ericksen responded by introducing Senate Bill 5171, which would force the new commissioner to rescind this order and potentially clear the way for another federal reversal.

Elden Hillaire is the chairman of the Lummi Natural Resources and Fisheries Commission. Street Roots spoke to him to get a Lummi perspective of Standing Rock Indian Reservation, the primary site of resistance to the Dakota Access Pipeline; the Gateway Pacific coal terminal; and Ericksen's intentions.

Stephen Quirke: *The Lummi have spent years fighting this terminal at Cherry Point. How did it feel when the Army Corps finally denied the company's permit in May?*

Elden Hillaire: Well, it was definitely a good time. I don't know if I'm a half-full or half-empty kind of a guy. It's just one of the battles. It wasn't the war – the war continues. But it was a shining moment for a community to know that we're protecting all of our ancestors that are buried there.

S.Q.: *Did you see a connection between what happened at Standing Rock and what happened to the burial grounds at Xwe'chieXen?*

E.H.: Yeah – they're protecting water; we're protecting water. And they've got that island there that has remains on it. They demonstrated in Seattle that the uplands are going to shift, regardless of the state of their



Lummi tribal members burn a faux multimillion-dollar check in protest of a proposed coal terminal in Cherry Point, Wash.

PHOTO BY STEPHAN MICHAELS WWW.ZNDWINDPRODUCTIONS.ORG

drilling apparatus. So these graves could collapse on themselves, and they're off into the river, and they're lost for years, lost forever. So there are a lot of similarities. We canoed; they rode horses – it's a different mode of transportation.

Their only recourse is litigation at this point, so I'm hoping tomorrow we start that discussion about how we're going to support it. I've been bugging our lawyers in the hallways for a couple of weeks.

S.Q.: *In October, traditional Lummi tribal chief Bill James traveled with a delegation to support the Standing Rock Sioux and to share the experience of defending fishing rights against the coal terminal. Do you think people are now learning lessons from Standing Rock?*

E.H.: Yes, I think so. One of the amazing things about Standing Rock is that it brought so many different cultures together, from the Maoris, the Alaskan, from South America to South Dakota. It's kind of like this immigration thing; it's bringing so many minorities together, and we're finding those connections. We felt it all along with genocide. As much as people want to deny it, it happened right here in America. The things they're bringing out right now are bringing us all together, tribally and

non-tribally. It's just amazing the support and the outcry for them, and that continues today, up to the blocking of I-5 on Saturday. It's just drawing us together, as much as Trump and his new administration is trying to find a way of tearing us apart. The ink had barely dried on his immigration order, and they were shutting down airports all over the country! I'm just so amazed and appreciative of how people will come together and stick together.

S.Q.: *Do you think demonstrations like the large highway demonstration in Bellingham against the Dakota Access Pipeline are helping create awareness?*

E.H.: It spoke loudly, and it got the attention of a considerable amount of people. It was in support of Standing Rock, but the other thing is this immigration law that Washington is fighting with the president, which was definitely layered into that. Especially being First Nations people, we can kind of relate to immigration from a larger perspective (laughing). Interesting that a president of European descent can talk about immigration. This country was built on it. We have to co-exist.

S.Q.: *Since the Army Corps acknowledged Lummi fishing rights and rejected the permit, the*

state of Washington took a surprising step this January and added Xwe'chieXen to the Cherry Point Aquatic Reserve. Now, Sen. Ericksen has introduced a bill to remove this protection. Could that really happen? If so, could the Army Corps also reverse its decision?

E.H.: Definitely. At least, that's my belief. I've seen the Corps do it for environmental factors. They did a complete impact study when they wanted to put in the harbor down in Oregon, and the environmental impact study said, "No no no," but they put it in anyway.

S.Q.: *If the Army Corps were to reverse its decision to protect Lummi fishing rights, will the Lummi Nation take them to court?*

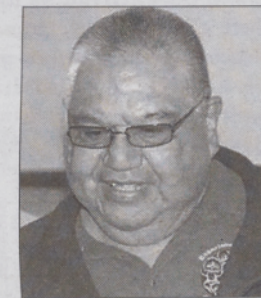
E.H.: It'd likely be our first avenue of response.

S.Q.: *In some ways, adding Lummi land to the Aquatic Reserve seems to act like a backstop for treaty rights enforcement. Could other steps be taken by state and local governments to protect similar places under threat?*

E.H.: There always is. Our tribal council recently had a meet-and-greet with city of Bellingham, City Council of Ferndale, Whatcom County Council, and they're talking about these very same things. A lot of it gets into the

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Elden Hillaire

Elden Hillaire, of the Lummi Nation, discusses threats to the region's tribal lands on the heels of Trump's executive orders concerning the Dakota Access and Keystone XL pipelines

economics of the region, but you know we're the third-largest employer in Whatcom County right now, and probably the second if you include Northwest Indian College. It's not like we're sitting dormant and draining the economy around us. I think it was a good testament when (the tribal) council chose to give every tribal member \$1,000 this December. That's \$5 million in the local economy, an infusion all at once.

A lot of discussion early on in public hearings over coal was people saying they're losing tax revenue. An 11-year-old girl from Bellevue schools was up here, and she questioned how they could lose something they don't have. She told them, "You can't lose it if you don't have it" (laughs). It took an 11-year-old to open people's eyes, and I couldn't have said it any better.

S.Q.: *There have been a lot of ups and downs in this fight over the years. Has the persistence of the coal lobby taken away from other work? What more could be done if people simply acknowledged and respected Lummi fishing rights?*

E.H.: I've always pondered that question internally, but the fight is the fight. The war continues. We were kind of set on that path in 1855 by some of our ancestors.