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The Dakota Access Pipeline, Environmental Injustice, and US Settler Colonialism

Kyle Powys Whyte

We must remember we are part of a larger story. We are still here.

We are still fighting for our lives, 153 years after my great-great-grandmother Mary watched as our people were senselessly murdered. We should not have to fight so hard to survive in our own lands.¹

—LaDonna Brave Bull Allard, Standing Rock Sioux Tribe

“Standing Side by Side in Peaceful Prayer”

Starting in April 2016, thousands of people serving as water protectors, led by Standing Rock Sioux tribal members, gathered at camps near the crossing of the Missouri and Cannon Ball Rivers to stop the construction of the Dakota Access Pipeline (DAPL) there—creating the #NoDAPL movement. DAPL is a 1,772-mile pipeline for transporting crude oil from the Bakken production area to a tank farm near Patoka, Illinois, before going on to refineries. As a business venture, DAPL’s investors seek to profit by offering a cheaper transportation alternative to rail. DAPL’s advocates claim the pipeline meets the highest environmental safety standards and

lessens the environmental risks of oil trains. They claim the venture produces greater US energy independence, more jobs, and charitable donations.² Though it is unclear how the new pipeline could increase oil production, oil consumption, employment, and state tax revenues.³

The #NoDAPL movement claims the pipeline poses risks to the water quality and cultural heritage of the Dakota and Lakota peoples of the Standing Rock Sioux Tribe. Standing Rock Tribal members are Oceti Sakowin Oyate (7 Council Fires People), referred to in some contexts as the Great Sioux Nation or Nation of the Seven Council Fires. Oceti Sakowin is the Indigenous name for the interconnected Lakota, Dakota, and Nakoda society across a large region who exercise self-determination through numerous Tribal and First Nations governments and organizations. Oceti Sakowin persons live in diverse cities, reservations, towns, and counties within their ancestral homelands currently called the plains, prairie, west, and midwest regions. DAPL's route occurs on lands and through waters the Oceti Sakowin never ceded consensually to the United States and that remain environmentally and culturally significant for peoples' safety and wellness. The construction destroyed culturally significant places, including ancestral burial sites.⁴ In September 2016, US District judge James Boasberg opined against the tribe's request for a preliminary injunction against construction. His opinion states that the permitting agency for that segment of DAPL, the Army Corps of Engineers (ACE), in coordination with the builder, Energy Transfer Partners (now Energy Transfer), adequately consulted the tribe about any risks to cultural heritage.⁵ The relevant Environmental Assessment signed Army Corps of Engineers in 2016 found "no significant impact" relating to environmental risks.⁶

A close review of the information in the judge's opinion and knowledge of how US and corporate consultation and environmental assessment processes work reveals another perspective: ACE and Energy Transfer did not allow sufficient time, resources, or attention to

evaluate the environmental or cultural risks of the pipeline. They relied on assessment processes, modes of communication, information from the pipeline builders, and external consultants that—taken together—are known to lack sensitivity and accountability to Indigenous peoples' concerns, rights, and capacities to participate on genuinely equal footing with powerful private and government parties.⁷

In terms of the environmental assessment, James Grijalva discusses some of the concerns the Tribe had in the process leading up to the completion of the pipeline.

The Army Corps of Engineers did not address the Tribes' expert reports documenting numerous EA [Environmental Assessment] flaws and gaps, including: dismissing impacts on Indian treaty rights without analysis; violating NEPA [National Environmental Policy Act] regulations for actions with impacts that are "highly controversial" and "highly uncertain"; understating the risk of significant pipeline leaks; ignoring the inability of detection systems to identify slow leaks that could result in large oil discharges over time; inadequately analyzing spill risks; and depriving the public of comment by keeping the underlying spill modeling data secret.⁸

Grijalva documents how an initial draft of the environmental assessment did not mention the Standing Rock Reservation less than a mile downstream from the proposed Lake Oahe crossing. Moreover,

The final EA "recognized" that fact, but rather than confront the health and cultural impacts of contaminating the Reservation's largest water body and its shorelines, the EA instead re-emphasized the pipeline's off-Reservation location, the expensive and high-tech nature of the horizontal drilling technique for putting the pipeline below the lake, and the very low likelihood of spills. Illogically, that same low risk of spills justified

rejecting an alternate route upstream of the State Capitol of Bismarck, whose racial composition is overwhelmingly White.⁹

Back in 2016, there was already evidence that Standing Rock Sioux Tribe's well-being was not taken seriously in the consultative and assessment processes leading up to the construction of the pipeline's final segment.

Of course, the tribe's DAPL ordeal started before 2016. In 2012, the tribe made a resolution against future pipelines in relation to the movement to block the Keystone XL Pipeline;¹⁰ prior to 2016, the tribe had rejected DAPL in a meeting with Energy Transfer and expressed concerns and objections to ACE.¹¹ Following the judge's September 2016 opinion, ACE temporarily halted construction in November, stating that "additional discussion and analysis are warranted in light of the history of the Great Sioux Nation's dispossessions of lands, the importance of Lake Oahe to the Tribe, our government-to-government relationship, and the statute governing easements through government property."¹² In December, ACE denied the easement for Energy Transfer to complete DAPL. ACE's decision by no means ended DAPL, however, as US president Donald Trump signed an order in January 2017 to support the pipeline's completion, and shortly thereafter ACE reversed its decision, permitting DAPL's completion.¹³

In 2020, having been in operation for several years, Energy Transfer made formal plans to approximately double the amount of oil flowing through DAPL. However, the original consultative and assessment processes for the final segment of the pipeline are not settled. In March 2020, Judge Boasberg questioned whether ACE had adequately fulfilled its duties. He wrote that "The many commenters in this case pointed to serious gaps in crucial parts of the Corps' analysis—to name a few, that the pipeline's leak-detection system was unlikely to work,

that it was not designed to catch slow spills, that the operator's serious history of incidents had not been taken into account, that that the worst-case scenario used by the Corps was potentially only a fraction of what a realistic figure would be.”¹⁴. An industry group, GAIN (Grow America’s Infrastructure Now) Coalition, has stated that “Not only does this decision risk one company's investment, but it could also jeopardize our nation's economic and energy security moving forward.”^{15a} In July 2020, Judge Boasberg ordered that DAPL must cease operations until an environmental impact statement is prepared by ACE, which may take 13 months.^{15b} The struggle over DAPL is certainly not over.

While the resistance to DAPL appears as direct action, a standoff, and a conflict fought by lawyers, many Indigenous persons whose work created the #NoDAPL movement say it is really about ceremony, prayer, and water protection. The meanings of English-language expressions such as “ceremony” and “water is life” arise from time-tested Indigenous knowledge that prescribe respectful moral relations with water and other non-human beings and entities as vital for securing human safety and wellness. Robin Wall Kimmerer and Kathleen Dean Moore describe #NoDAPL as “a story that is so ancient it seems revolutionary.”¹⁶ They write that “the land is sacred, a living breathing entity, for whom we must care, as she cares for us. And so it is possible to love land and water so fiercely you will live in a tent in a North Dakota winter to protect them.”¹⁷

At the camps in 2016, the protectors endured violence at the hands of law enforcement and DAPL’s private security, including being pepper sprayed, shot with rubber bullets, attacked by dogs, denied nourishment and supplies, threatened by lawsuits, and drenched with cold water during the onset of winter temperatures.¹⁸ Many protectors sacrificed fulfilling some of their personal obligations at home, raising money to support theirs and others’ participation.¹⁹

Moreover, protectors withstood the frustrating realization that the #NoDAPL movement inevitably attracted some disingenuous allies who did not respect Indigenous knowledge, cultural protocols, and the wisdom of tribal elders.²⁰

Away from the camps, many people advanced #NoDAPL. Indigenous and allied academics created the free online Standing Rock Syllabus for educators.²¹ The American Friends Service Committee's report, *We Are Our Own Medicine*, demanded US interventions regarding violence against protectors and the defective consultation process.²² The United Nations Special Rapporteur on the Rights of Indigenous Peoples, Victoria Tauli-Corpuz, called for the United States to halt construction of the pipeline and to honor the tribe's right to free, prior, and informed consent.²³

Many more solidarity-building actions have been taken by diverse people everywhere. According to tribal chair David Archambault II, "Thousands of people—from members of the Standing Rock Sioux Tribe, tribes across the nation and First Nations in Canada, to non-Native supporters in the United States and around the world—have stood in solidarity against the harm and destruction caused by the Dakota Access Pipeline; we have stood side by side in peaceful prayer."²⁴

The Injustice of DAPL

As a Potawatomi scholar-activist, I am concerned with how critics of #NoDAPL often focus on defending the pipeline's safety precautions, the many attempts ACE made at consultation, and US "rule of law." Many such critics even claim that it is tragic that US and corporate relations with the tribe broke down, given all the precautions and accommodations

made by Energy Transfer and ACE.²⁵ Yet critics rarely engage what LaDonna Brave Bull Allard, in the epigraph to this chapter, calls “the larger story.” To me, as an Indigenous supporter of #NoDAPL, part of the larger story concerns how DAPL is an injustice against the tribe. The type of injustice is one with which many other Indigenous peoples can identify—US settler colonialism.

I write this chapter from my own perspective to show at least some of the relevant reasons why DAPL is an injustice of a certain settler colonial type. I am against the view that the tribe’s ordeal with DAPL is merely about a breakdown in consultative relations or an isolated disagreement over safety. Nick Estes discusses how the Mni Wiconi and #NoDAPL movement arise in the context of two centuries of the tribe’s resistance to oppression. Estes writes “[b]ecause Native people remain barriers to capitalist development, their bodies needed to be removed—both from beneath and atop the soil—and therefore eliminating their rightful relationship with the land”.²⁶ Estes demonstrates how multiple nonconsensual initiatives by settlers were resisted by many generations of Oceti Sakowin ancestors, including resistance against Lewis and Clark’s voyage in 1804. Historic precedents include The Ghost Dance movement in the context of the 1890 murder of 300 Indigenous persons at Wounded Knee, 19th and 20th century engagement with the courts fighting for rights and sovereignty, and the 20th century treaty rights actions, such as the Red Power movement.

I seek to show how there are many layers to the settler colonial injustice behind DAPL that will take me, by the end of this chapter, from US disrespect of treaty promises in the nineteenth century to environmental sustainability and climate change in the twenty-first century. Before addressing these interrelated issues, I begin with some more abstract definitions.

An *injustice* occurs when one or more groups of people seek to achieve their own perceived economic, cultural, and political aspirations by systematically inflicting harm and risks on one or more other groups of people. Infliction is *systematic* when the perpetrators' gains come at the expense of others under the conscious or tacit belief that doing so is acceptable because the others are of certain skin colors, cultures, genders, disabilities, and other social identities. Perpetrators often create and impose these social identities on people they perceive to be instrumental to or standing in the way of the achievement of their aspirations. Racism is a type of injustice, then, as are sexism, able-ism, ethnocentrism, and settler colonialism.

Settler colonialism refers to complex social processes in which at least one society seeks to move permanently onto the terrestrial, aquatic, and aerial places lived in by one or more other societies who derive economic vitality, cultural flourishing, and political self-determination from the relationships they have established with the plants, animals, physical entities, and ecosystems of those places. When the process of settler colonialism takes place or has already occurred in a region, the societies moving in or who have already done so can be called "settlers"; the societies already living there at the beginning of settlement, "Indigenous peoples."

The settlers' aspirations are to transform Indigenous homelands into settler homelands. Settlers create moralizing narratives about why it is (or was) necessary to destroy other peoples (e.g., military or cultural inferiority), or they take great pains to forget or cover up the inevitable violence of settlement. Settlement is deeply harmful and risk-laden for Indigenous peoples because settlers are literally seeking to erase Indigenous economies, cultures, and political organizations for the sake of establishing their own. Settler colonialism, then, is a type of injustice driven by settlers' desire, conscious and tacit, to erase Indigenous peoples.²⁷

The concept of settler colonialism highlights one type of injustice that has occurred widely throughout the world, with the United States a major example. The concept helps shed light on some key reasons why the tribe and many Indigenous peoples everywhere are justified in opposing DAPL. I am not using the concept to accurately represent or stereotype the motivations and histories of every non-Indigenous arrivant or immigrant to North America as only “settler.” Neither am I suggesting that all oppression in the US context boils down to some struggle between settler and Indigenous populations, although a strong case can be made that in that context, it is more than just “white” people who are perpetrators in different ways of settler colonial injustice. I also do not use the concept to suggest that colonialism is exclusive from or more fundamental than other injustices, such as global imperialism, capitalism, racism, or patriarchy. An analysis more detailed than what I offer here would certainly attempt to intertwine them all, where appropriate.

Those qualifications aside, US settler colonialism emerges in the experiences of Indigenous peoples as a recent, highly disruptive type of injustice amid an exponentially longer history of our peoples’ lives in North America. Indeed, Indigenous peoples everywhere in North America have long-standing traditions of comprehensive governance systems designed to relate to places with particular ecological conditions for the sake of ensuring cultural integrity, economic vitality, and political self-determination for current and future generations. In my own work, I look at how Indigenous governance systems operate quite differently from those of the US federal government, in operations ranging from selection processes for leadership to the construction of gender and gender fluidity to environmental ethics.

Indeed, the ceremonies at the #NoDAPL camps, expressions such as “water is life,” the sacredness of the Black Hills, the leadership of women, and the many other moral claims about

plants, animals, and ecosystems protectors are making arise from the time-tested knowledge of Oceti Sakowin governance systems that predate US settlement. From what I have learned through personal experiences with friends and colleagues and the writings of protectors cited earlier, Oceti Sakowin governance systems were organized to operate flexibly throughout the year to ensure that they were attuned to the dynamics of local ecosystems, especially seasonality. Oceti Sakowin peoples developed complex spiritual relationships with the places they still inhabit or live near that furnish highly practical knowledge of how to steward bison and grasslands and keep water clean. They developed ceremonies, such as giveaways, that reaffirm norms in which sharing is incentivized, not hoarding, which some Indigenous studies scholars have shown to be integral to environmental sustainability.²⁸ Oceti Sakowin peoples' origin and other stories connect them intimately to places, such as the Black Hills and the place of sacred stones, in ways that are intrinsically valuable to their cultural flourishing and spiritual health. The water protectors' morality flows, then, from Indigenous governance systems that support cultural integrity, economic vitality, and political self-determination and the capacity to shift and adjust to the dynamics of ecosystems.

In the nineteenth century, US settlers sought to move to the places in which the ancestors of the Standing Rock tribal members already had complex cultural, economic, and political relationships. US settlers had diverse motivations, such as fur trading, gold mining, farming, and establishing settlements beyond the so-called frontier. While peoples have had to adapt to different changes in different historic periods, such as the Indigenous adoption of the horse in North America, US settler colonialism viciously imposed harm and risks on the ancestors of the Standing Rock Sioux Tribe that have continued through the DAPL ordeal.

It is precisely this social process of settler colonialism that explains why it is no accident that Energy Transfer sought to build a key segment of DAPL through tribally significant lands and water systems. Many public resources document this history of settler colonialism, including the tribe's website, the Standing Rock Syllabus, the North Dakota studies portal, and conventional academic research.²⁹ In what follows, I briefly describe some of that history of settler colonialism to express my limited version of the “larger story” of the #NoDAPL movement, drawing widely from many public sources given that this information is, ironically, highly accessible to anyone but little known.

The Colonial Déjà Vu of Indigenous Erasure

Oceti Sakowin people historically maintained peaceful and conflictive diplomatic and trade relations with many other Indigenous peoples in the plains and woodland regions of North America and beyond. A different challenge emerged in the middle of the nineteenth century. Enter US settlers, who began overharvesting bison for furs to ship to distant markets without concern for the relationship between bison and bison habitat and the Oceti Sakowin peoples. When gold was discovered in California in the late 1840s, many more settlers arrived. In 1851 the federal government negotiated the first Treaty of Fort Laramie, with a limited number of Sioux leaders, to define territories in which each particular tribal group ranged according to its own governance system, which amounted to about 134 million acres in what are now the states of North Dakota, South Dakota, Montana, Wyoming, and Nebraska.

However, the United States refused to engage in a treaty-making process that would allow Indigenous leaders to reach consensus among themselves according to the protocols of

their Indigenous governance systems. Settlers ended up violating the treaty repeatedly by entering the territory, and many tribal groups did not ultimately respect its non-consensus status. As a result of further settler immigration; military intervention; the construction of railroads, wagon roads, and mail stations; and the desire to explore for gold, the United States negotiated the 1868 Treaty of Fort Laramie. This treaty reduced the Indigenous land base to 25 million acres contained within what is now the state of South Dakota, forming the Great Sioux Reservation.

Despite the 1851 and 1868 treaties, settlers continued to enter Sioux lands illegally, disrupting Oceti Sakowin peoples. Analogous to the armed guards for DAPL builders who engage in constant surveillance of the protectors, the US military set up strategic positions, such as forts, to ensure that settlers could pursue their business ventures without encountering resistance. Again, instead of honoring the original treaty agreements, the United States forced the ancestors of the present-day Standing Rock Sioux Tribe to sever more of their relationships to the places that mattered to their cultures, economies, and political self-determination. The United States instantiated the 1877 Starve or Sell Bill, in which it self-authorized access to the Black Hills for gold mining.

With the passage of the Sioux Bill in 1889, the United States, wanting control over additional Indigenous places, liquidated the Great Sioux Reservation into six smaller reservations, with the Standing Rock one about 2 million acres. The lack of Indigenous consent to these actions led the US Supreme Court to claim in 1980 that a “more ripe and rank case of dishonorable dealings will never, in all probability, be found in our history.”³⁰ The Sioux Bill, as the local instantiation of the Dawes Allotment Act (1887), further broke up the Standing Rock Reservation into private property (often 160-acre parcels) for tribal members, an effort intended

to force Indigenous peoples to adopt farming lifestyles that would pose less resistance to settlement. Settlers took the rest of the parcels—usually the most arable lands.

The United States eventually made it impossible for immediate or extended family groups to manage allotments cooperatively. Tribal members could not sell their allotments for twenty-five years unless the United States deemed them “competent.” The federal government developed many schemes to divest Indigenous persons of their allotments before the twenty-five years elapsed. Indigenous persons, who typically had to farm arid land and received inadequate support from the United States to transition to farming, were often considered so incompetent that government agents leased their land to settlers.

The United States required that Indigenous allotments be divided equally among the heirs, creating land that had too many owners to make use of the land. US agents also exercised tax codes corruptly, so that even Indigenous persons who were “declared competent” owed more in taxes than they could afford to pay. The large region of diverse and dynamic ecosystems from which Oceti Sakowin governance systems arose had been reduced in size exponentially; its ecological conditions were transformed as a result of mining, farming, grazing, and settler infrastructure.

Well into the twentieth century, the government and churches sent many Oceti Sakowin children to boarding schools, some as far away as Virginia and Pennsylvania. The schools divested students of their language, cultures, and knowledge, replacing them with technical skills for settler occupations. The children were sometimes physically abused or even murdered. Back in their homelands, the United States made Oceti Sakowin cultures “illegal” in 1883, including imposing a ban on giveaways and many other ceremonies that were vital for reaffirming land- and water-based ethics and knowledge of Indigenous governance systems. During this entire

narrative, the US military frequently attacked Indigenous communities that continued to live according to their own governance systems, including the Massacre of Whitestone Hill (1863) referenced in the epigraph.³¹

Because of the economic pressures of the 1930s, which were felt nationally but were even more severe within tribes—a direct result of land dispossession from allotment—the United States sought to create new laws and programs on reservations. The Bureau of Indian Affairs (BIA), however, exercised control over economic development programs, such as community ranching and other land leasing, which often meant that tribal members got less money than they deserved through actions such as the BIA underselling to settler buyers.

The United States also created incentives for loan programs for tribes to consolidate lands and promote economic development, yet to access the money, tribes had to yield aspects of their political self-determination by organizing their governments according to US standards for corporate charters and elected tribal councils under the Indian Reorganization Act (1934). The BIA held authority over these councils' decisions, making tribes face the dilemma of choosing between certain immediate economic incentives and maintaining political self-determination. The Standing Rock Tribe initially rejected the act. In the late 1940s, ACE created a major dam as part of the Pick-Sloan Missouri River Basin Program, seeking to improve irrigation and other forms of water control to improve settlers' business ventures and living conditions. While many settlers benefited from the Lake Oahe Dam, its reservoir shrunk the tribes' land base, displacing many tribal members and destroying quality timberlands and soils for cultivation and wildlife habitats. From the beginning, Standing Rock leaders were adamantly opposed to the construction of the dam.³²

As would any community that had faced these conditions for over 100 years, the people living on the tribe's reservation today endure high unemployment and heightened health risks that historically were not problems of comparable severity for their ancestors. US settlement sought to erase Oceti Sakowin peoples to make way for the business ventures and other aspirations of settlers.³³ It erased political self-determination by disrespecting treaties and pressuring for the adoption of BIA-controlled constitutions, erased economic vitality by transforming ecosystems and dividing Indigenous lands, and erased cultural integrity by stripping Indigenous peoples of their languages and ceremonies. Today, many settler Americans in North Dakota and South Dakota actually believe moralizing narratives which purport that Dakota and Lakota peoples are pathologically dependent on the United States for bare survival.³⁴ Public education in those states does not attend equally to Indigenous and settler histories, being complicit in covering up the violence of settlement. Acts of anti-Indigenous discrimination against many persons occur daily.³⁵

Now imagine what it felt like for tribal members most immediately, but also for Indigenous peoples everywhere, when it became known that DAPL, a settler business venture, was rerouted from a location farther away from the tribe because of threats to the water quality of the settler city of Bismarck, North Dakota. Imagine how they felt when they learned that law enforcement was willing to step in to block protectors from expressing themselves through prayer, ceremony, and thanksgiving. Colonial déjà vu!

Environmental Injustice or the Ecology of US Settler Colonial Erasure

The women of the Brave Heart Society, White Buffalo Calf Woman Society, and Stone Boy Society describe DAPL as literally contributing to the physical erasure of Indigenous peoples—an ultimate outcome they will not allow.³⁶ Again, settler colonialism refers to complex social processes in which at least one society seeks to move permanently onto the terrestrial, aquatic, and aerial places lived in by one or more other societies who derive economic vitality, cultural flourishing, and political self-determination from the relationships they have established with the plants, animals, physical entities, and ecosystems of those places. Settler colonialism is an “environmental” injustice, for the US settlement process aims directly to undermine the ecological conditions required for Indigenous peoples to exercise their cultures, economies, and political self-determination. Ecological conditions refer to the complex relationships with place that are the substance of Indigenous governance systems.³⁷

Settler-colonial tactics, expressed through their treaty making or allotment policies, and settler colonial technologies—from dams to mines to farming implements—literally change hydrological flows, soil nutrients, and many other ecological conditions. Changes in ecological conditions alter the way settlers perceive terrestrial, aquatic, and aerial places, which aids settlers’ moralizing narratives and forgetfulness. Settlers perceive ecosystems, for example, simply as open lands and waters that belong to them so they can route a pipeline as long as it is safe or the tribe is consulted according to settler standards and laws. They do not perceive ecosystems that continue to participate in relationships with Indigenous peoples—relationships that ultimately support Indigenous cultural integrity, economic vitality, and political self-determination.

If we unravel the settler colonial layers of DAPL even further, a more ecologically insidious dimension of US settler colonial environmental injustice becomes apparent. For

numerous reasons—including settlers’ lack of long-term knowledge of the environments they inhabit even years after settlement—they have transformed ecological conditions in ways that are not sustainable for themselves, Indigenous peoples, or anyone else. They have created ecological conditions that are key factors in crises relating to dangerous climate change, excessive pollution, and the decline of certain ecological processes and services (e.g., pollination, vegetation barriers, shade). In the US context, militarization and agricultural, transportation, and extractive industries were facilitated by broken treaty agreements, allotment, and boarding schools. The activities of the military and these industries pollute and overuse lands and waters. Climate scientists have shown that such activities play roles in contributing to increasing concentrations of greenhouse gas emissions in the atmosphere, a major cause of dangerous climate change.³⁸

The destabilization of the climate system, or human-caused (anthropogenic) climate change, produces ecological conditions that disrupt human societies through impacts such as rising sea levels, more severe droughts, warming freshwater, and faster-melting glaciers. While all humanity should be concerned about climate change, many Indigenous peoples are among the populations whose safety and wellness are most immediately in peril. Indigenous peoples are among the first people to have to resettle, having to decide to relocate as a result of sea-level rise in the Arctic and the Gulf of Mexico. Warming reduces Indigenous access to culturally and economically significant plants and animals, such as moose (Great Lakes), salmon (Pacific Northwest), and many berries and traditional crops such as Timpisila (Great Plains).³⁹

Thinking about its geographic and cultural proximity to Standing Rock, the Oglala Lakota Nation’s climate-change program is concerned about drought in the region, leading to water scarcity as well as stress on tribal agriculture, ranching, and wildlife habitats. More severe

storms may affect crop timing and forage production; extremely hot weather may create risks for elders and community members who practice seasonal ceremonies during hot months. Some plants, including ones used ceremonially, may disappear in certain areas.⁴⁰

Moreover, we find that disproportionate Indigenous suffering is produced by changing environmental conditions and, once again, the machinations of US settler colonialism. Most relocating tribes, for example, are vulnerable precisely because they have been forced to live permanently on tiny areas of land with limited adaptive options. Members of the United Houma Nation and the Isle de Jean Charles Band of Biloxi-Chitimacha-Choctaw Indians in the Gulf of Mexico have been repeatedly confined by European and U.S. settlers to small areas of land. The Isle de Jean Charles is one such location, an island that over time has shrunk, from 5 miles by 12 miles to ¼ mile by 2 miles, and faces continuing stresses from coastal erosion and saltwater intrusion associated with climate change.⁴¹ Of course, the shrinking occurred initially before climate change because of US settler oil and gas companies dredging canals and cutting pipelines, public water-control infrastructure and flood-control measures, and industrial agriculture development. The US continues to complicate the relocation process by failing to recognize both tribes as sovereign self-determining peoples, cutting both tribes out of resources and opportunities to take leadership in decisions about their own responses to the shrinking island and climate change.⁴²

Tribes' loss of cultural and economic relationships with species such as moose and salmon occurs largely because their reservations are too small or fragmented to allow Indigenous communities to follow the species' movements, including when a species habitat moves into Canada. When such movements occur, whether the US will honor treaties that are supposed to guarantee continued tribal access to the species despite changing ecological conditions. The

Oglala Lakota Nation, in its description of its climate-change program, references land dispossession and jurisdictional limits as the reason why north-moving wildlife ranges and changes in berry and crop habitats will be problematic for it, as well as the reality that it has fewer resources to use for adaptation planning because of the legacies of US settler colonialism.⁴³ For the Standing Rock Sioux Tribe, as climate change becomes more apparent in its homelands, the shifting plant and animal habitats tied to agriculture, wildlife, and ceremonial species, as well as the loss of territory and resources as a result of US settler colonialism, will make it harder to adjust.

Climate change also opens up more Indigenous territories, such as in the Arctic, to pressure from colonial exploitation, as thawing snow and ice create access to resources—such as oil and other hydrocarbons—that were previously hard to access. This further oil exploration will likely lead to the same detrimental effects seen with past extractive industries. The workers' camps, or "man camps," created to support drilling and mining in regions like the Bakken intensify sexual and gender violence through increases in the trafficking of Indigenous women and girls.⁴⁴ Some of the sites of violence are the same North Dakota fields that seek to send oil down the DAPL. A 2019 study from the U.S. Bureau of Justice Statistics uncovered a 23 percent increase of violent crime in the Bakken oil region during 2006 to 2012, which is the oil boom period. The report found that "there was no similar increase in rates of violent crime in the counties surrounding." Staff at First Peoples Worldwide at the University of Colorado have quoted key findings from the report: "The increase of violent victimization by strangers increased by 53% in the Bakken region, the violent victimization of Blacks and Native Americans was 2.5 times higher than corresponding rates for whites, and, while men experienced higher rates of violent crime as well, women experienced a 54% increase in the rate of unlawful

sexual contact, which was due to a rise in reports of statutory rape.”⁴⁵ Tribes near to the Bakken region are deeply concerned about violence related to the oil boom. Tribal Executive Board member of a nearby tribe (Ft. Peck), Marva Chapman, states that “The bottom line is a pipeline is contaminating to our water and to our people.”⁴⁶

Today, maps of the oil and gas pipelines attest to the sheer ecological disruption of US settler colonialism.⁴⁷ Even abandoned coal mines still leak carbon into the atmosphere.⁴⁸ Many of the “solutions” to human-caused climate change will affect Indigenous peoples adversely. Across the world, hydropower, solar and wind power, and forest conservation programs are being shown to involve Indigenous peoples being displaced, denied rights and leadership opportunities, and cut out of fair profits.⁴⁹ Dam development was one of the phases of settler colonial injustice against the Standing Rock Sioux Tribe through the Lake Oahe Dam.

Taking Up the Larger Story

Settler colonial injustice is environmental injustice. In this expansive sense, the tribe’s ordeal with DAPL is far from over when we consider the larger story—a story that, depending on who tells it and how, can start in many places, such as the US settler disruption of time-tested Oceti Sakowin governance systems, and continue on through global climate change and environmental sustainability. US settler colonialism continues to work to erase Indigenous peoples culturally, economically, and politically. It is hard to distinguish US protection of gold miners from similar protections of DAPL workers and investors.

The #NoDAPL movement’s significance extends beyond debates about the adequacy of the Energy Transfer’s safety standards or ACE’s discharge of its consultative duties. I believe the

movement, together with Indigenous movements globally, has the power to motivate people to address the myriad forms of erasure that contribute to the operations of settler colonial injustice in sectors ranging from education and philanthropy to people's everyday comportment. LaDonna Brave Bull Allard's words are again deeply insightful: "We must remember we are part of a larger story. We are still here. We are still fighting for our lives on our own land."⁵⁰

Notes

1. LaDonna Brave Bull Allard, "Why the Founder of Standing Rock Sioux Camp Can't Forget the Whitestone Massacre," September 3, 2016, Yesmagazine.org.
2. "Dakota Access Pipeline," 2020, dapipelinefacts.com; Scott Montgomery, "Victory at Standing Rock Reflects a Failure of US Energy and Climate Policy," December 5, 2016, TheConversation.com.
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