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One Man's 6-Hour Fight Against Dakota Access

Published 08/31 2016 07:33PM - Updated 08/31 2016 07:33PM – VIDEO:

<http://www.clipsyndicate.com/video/play/6537750>

Cannonball, ND - Following a quiet couple of weeks, police and protesters clashed once again but this time on new ground.

Highway 6.

Alicia Ewen reports on a protest that gained national attention today.

Happy!

An ironic name.

Considering there is so little here.

"You violated our treaties. Desecrated our grave lands. For what? Corporate entities!," Dakota Access Pipeline protester.

Protesters moved their fight to Highway 6 today after spotting construction on the pipeline.

And then... onto the construction equipment itself.

"Wanted to make a stand and that's what brings us here to this moment," said Cody Hall or Red Warrior Tribe.

"Happy" or Dale American Horse Junior tied himself to an excavator early this morning.

He used PVC pipe, chicken wire, chains, duct tape, and grease.

"They just had a hard time cutting through that. It's just dolled out. They were at it for an hour and all they got was a duct tape," Hall added.

Saws and even cranes were brought in to break the man free.

"We are warriors and we are here to protect this land," said one protester.

It looked to be a power saw that eventually did the trick.

He had been there for six hours.

He was immediately arrested.

"All I want is clean water for our people and you to drink. That's all. Why does it have to come down to this? Why do I have to be here doing this?" said Dale American Heart Junior.

Right as Happy was driven away, the excavator went right back to work for a few minutes. But as you can see it's stopped now, and with it, the protestors are headed home.

There was a total of 8 people arrested today off of highway 6

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Protesters disrupt second Dakota Access Pipeline worksite

- CAROLINE GRUESKIN Bismarck Tribune - 15 hrs ago

ST. ANTHONY — A Sioux Falls, S.D., man spent more than six hours attached to a digger at an active Dakota Access Pipeline worksite along Highway 6 on Wednesday.

Dale "Happy" American Horse Jr. was one of eight arrested at the protest, which drew about 50 people and at least as many law enforcement officers.

During the past several weeks, people have traveled from all over the country to rally against the oil pipeline that's intended to cross below the Missouri River just north of the Standing Rock Indian Reservation, which many worry could contaminate the community's water supply. Protests were staged in mid-August at a different worksite near the river, where construction has been temporarily halted.

Highway 6 was closed at the junctions of Morton County Road 138A and Highway 21 for several hours because of Wednesday's events. Highway 1806 was briefly reopened as an alternative route for the first time in nearly two weeks.

A long process

American Horse stood on the digger with his arms secured in a curved PVC pipe contraption known as a lock box, which encircled the equipment. Wearing a red bandanna, he was silent at times, then chanted "Mni wiconi," meaning "water is life."

Sheriff Kyle Kirchmeier later said at a news conference that the pipe was secured with tar, grease and chicken wire.

Officers spent hours removing the protester. First, they secured him with a harness and tried to take apart the equipment. When that didn't work, they steadied him on a ladder and sawed the pipe off his hands.

During the process, officers gave him drinks of water and a person identified by highway patrol as a family member was permitted to climb up the ladder and visit.

"All this for clean water," American Horse said as he was arrested and escorted to the transport van. "Why does it have to come down to this?"

A protest organizer, Dallas Goldtooth of the Indigenous Environmental Network, said today's act by members of the Red Warrior Camp to attach themselves to company equipment fits with the theme of protest by nonviolent action.

"This was well-thought-out and fully planned. The whole purpose is to delay construction and stop the pipeline. We are committed to nonviolent direction action, and that's what we have been using with our demonstration on the bridge and our marches," he said.

Goldtooth said the Red Warrior Camp is made up of Dakota and Lakota people residing within the original Sacred Stone Spirit Camp on the Standing Rock Sioux Reservation.

Kirchmeier said a second man — a 25-year-old from Cannon Ball — attached himself to the frame of a dirt truck. Officers had an easier time removing him, because he was on the ground. A 47-year-old Missouri woman also was arrested for standing on equipment.

Protesters stand by

Early in the day, supporters -- many with scarves or sweatshirts over their faces -- stood directly by the equipment and watched as deputies tried to secure American Horse. Many people, including law enforcement, held up cellphone cameras to document the scene.

Around 11:15 a.m., officers toting zip-ties ordered the protesters to move away from the site or they would be arrested. At least two were taken into custody.

"Let's move or you're going to jail," one officer said to the crowd.

"No worries, our legal team is all over this," a protester called back.

The group moved several hundred feet away after a few of their fellow protesters called on them to retreat.

Kirchmeier said protesters were asked to move from private property where the equipment stood "because they were hindering legal work at that point, and any law enforcement efforts."

Holding signs that said "#NODAPL" and "For all generations," demonstrators cheered, sang and beat drums just a few feet from a line of officers.

Protesters threw taunts and called officers names, but there was no violence. Kirchmeier said no weapons were seen.

After American Horse was removed, the protesters began to disperse. One of them, Warrior Wanbli Wicasa, said he thought the protest was a success.

"We cost them money; we cost the state money," he said.

Though he believed officers should have allowed protesters to stay near the construction site, he said they had been "cooperative" overall and "just doing their job."

Officers from the Morton County Sheriff's Department, Burleigh County Sheriff's Department, Mandan Police, Bismarck Police, North Dakota Highway Patrol, Parole and Probation, State Parks, Mercer County Sheriff's Department and Beulah Police were on scene at the protest.

Since mid-August, 37 people have been arrested in connection with the pipeline protests.

Highway 6 was reopened after Wednesday's protest and Highway 1806 was closed again, though Kirchmeier said he is in talks with tribal leaders to remove the blockade on that road.

Tribune reporters Lauren Donovan and Blair Emerson contributed to this story.

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Negotiations underway to remove protest roadblock

- [LAUREN DONOVAN Bismarck Tribune](#) - 23 hrs ago

Negotiations to permanently remove the Highway 1806 roadblock between Mandan and a Dakota Access Pipeline protest encampment are underway, according to Morton County Sheriff Kyle Kirchmeier.

"While the decision to remove the traffic control point has not been decided, I feel the negotiations are a strong indication of the mutual commitment to public safety," the sheriff said of talks among his department, other safety officials and camp leaders.

Angela Bibens, a volunteer attorney for the protest encampment near the Standing Rock Sioux Reservation, confirmed that camp leaders are involved in the negotiations. She said the camp agreed to move dozens of tribal nation flags from the pipeline construction site near the highway to the protest encampment about a mile south. On Tuesday, volunteers had brought in tall wooden posts and posthole diggers and hung the tribal nation flags along the camp entrance road.

She said the idea was to remove the colorful visuals along the highway that were enticing passers-by to stop or be distracted.

Safety and camp leaders are talking about ways to reduce pedestrian traffic and parked vehicles along the highway, Kirchmeier said.

There have been no active protests at the construction site since Aug. 18, when the sheriff stepped in to stop work after continued arrests and after protesters surrounded earth-moving equipment. New “No Parking” signs are posted on both sides of the highway at the protest site, traffic speed has been reduced to 45 mph and digital read boards advise caution in the area.

The sticking point has been the roadblock that was set up Aug. 17 about 25 miles north of the protest site. Reservation-bound traffic is detoured to Highway 6 to the west, while anyone traveling north of the reservation is allowed through.

Standing Rock Sioux Chairman Dave Archambault II said he has been turned aside at the roadblock several times.

“Rerouting the traffic is an attack on our economy, our schools, our nation and our race. It’s not fair, and it’s not right,” said Archambault, who maintains safety has never been threatened on the highway, so other safety measures, such as simply slowing traffic, would suffice.

Amnesty International was on scene calling for the roadblock to be removed, and the American Civil Liberties Union has said it may litigate the issue.

“With the state declaring a state of emergency and all those resources, county commissioners have to be asking: Is this really necessary?” Archambault said.

Kirchmeier, who has said law enforcement is costing about \$100,000 a week, explained the traffic control point was set up for the safety of the protesters, motorists, local residents, emergency vehicles and first responders.

“Those interested in gathering with other protesters at the campsites are not being prohibited from going there. They simply need to take an alternate route that will minimize traffic through the protest area,” he said. “This is down Highway 6 to Highway 24 and adds approximately 13 miles to the detour.”

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UN body says Sioux must have say in pipeline project

By Michael Astor, Associated Press | Posted: Wed 10:36 PM, Aug 31, 2016

UNITED NATIONS (AP) — The Standing Rock Sioux Tribe must have a say with regard to a \$3.8 billion oil pipeline that could disturb sacred sites and impact drinking water for 8,000 tribal members, representatives of the United Nations Permanent Forum on Indigenous Issues said Wednesday.

In a statement, the forum's chairman Alvaro Pop Ac called on the U.S. to provide the tribe a *"fair, independent, impartial, open and transparent process to resolve this serious issue and to avoid escalation into violence and further human rights abuses."*

Dalee Dorrough, an Inuit member of the forum, which provides representation at the world body for indigenous peoples around the globe, said failure to consult with Sioux over the project violated the U.N. Declaration on the Rights of Indigenous Peoples.

Article 19 of the declaration, which the U.S. endorsed in 2010, says:

"States shall consult and cooperate in good faith with the indigenous peoples concerned in order to obtain their free, prior and informed consent before adopting and implementing legislative or administrative measures that may affect them."

"There has been a lack of good faith consultation with the indigenous people who will more than likely be impacted," Dorrough said in telephone interview from Anchorage Alaska. "The U.N. declaration is fundamental because President Obama pronounced support for it and that they haven't been consulted consistent with the rights of that declaration is highly problematic."

Native Americans from reservations hundreds of miles around have joined the growing protest against the Dakota Access Pipeline, which will pass through Iowa, Illinois, North Dakota and South Dakota, causing the company to temporarily halt construction. Over the past few weeks, nearly 30 protesters have been arrested.

On August 25, 2016, the Standing Rock Sioux and hundreds of people gathered in Washington D.C. in opposition to the construction of the Dakota Access Pipeline. A judge is expected to rule on a lawsuit submitted by the Sioux against the Army Corps of Engineers for lack of consultation.

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Pipeline protest and possibilities

- Jim Braun, Belfield - Aug 27, 2016

Who has the time or resources to stage a protest? They must have jobs that allow them to be absent for a period of time. They must have baby sitters for their children. They and their families have got to eat while protesting. They would have to have transportation to and from the site. There would have to be some form of toiletries.

What would be a cause great enough for one to commit themselves to these hardships? Of course these hardships would be much easier if someone else provided for all these needs and maybe even provided free housing. I guess if you don't have a job there would be time for the protesting, allowing one to feel compelled to protest for little or no reason at all.

Protesting against a pipeline that would remove the trucks from highways that can very easily cause accidents that kill our families, and cost taxpayers millions to repair road damages seems to me to be a fool's errand. Then again, I suppose if that traffic is not in my immediate vicinity I guess it's not my family in danger.

Is it possible that the pipeline could burst and contaminate our freshwater system? Yes. Is it likely to happen? No.

It's like my conversation with a relative about fracking. He asks if it is possible to contaminate our freshwater zones. My answer is yes, but there hasn't been a recorded incident in North Dakota. I also told him that it is possible a house built on the highest elevation could be flooded, but who in their right mind would pay for flood insurance?

As far as the pipeline goes, I am of the opinion that educated people have deemed it safe and uneducated people can't bring themselves to believe this.

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Demonstrators arrested for attaching themselves to Dakota Access heavy machinery

Posted: Wed 5:40 PM, Aug 31, 2016 | Updated: Wed 6:49 PM, Aug 31, 2016 - By [Max Grossfeld](#) | VIDEO:
<http://www.kfyrvtv.com/content/news/Demonstrators-arrested-for-attaching-themselves-to-Dakota-Access-heavy-machinery-391943591.html>

Mandan, N.D. - Dakota Access has agreed to not drill under the Missouri River while the company and those opposing its pipeline await rulings on some court decisions.

However, construction has continued elsewhere. And today, protesters targeted one of those spots.

One site had to shut down for the day after protesters found an effective way to block their work.

Police shut down Highway 6 for several hours as protesters take their fight directly to Dakota Access.

"The pipeline is getting too close and we don't need it that close to where the boundary is at. Enough was enough," said Cody Hall, South Dakota protester.

Two people attached themselves to heavy machinery and another was arrested in the early morning for protesting at a Dakota Access Pipeline site south of Mandan.

One of the attached protesters was immediately arrested. Dale American Horse Jr. was stuck so tight in a pipe wrapped with tar and chicken wire, he remained for several hours.

"This is a non-violent action. We came here to disrupt which we are. We're still in the process," said Hall.

Police had to move protesters away from the backhoe. Some refused and were arrested in the process.

"This is just another way that those in power use police presence to oppress people who again are already marginalized and fighting to protect our planet," said Juliana Britto-Schwartz, California protester.

Of the eight arrested, six were from out of state.

"All these other individuals who don't live here are going to go home and go to different locations, but we're still here trying to be neighbors and making sure that our relationships are not damaged in this," said Morton County Sheriff Kyle Kirchmeier.

American Horse, of the Rosebud Sioux Tribe in South Dakota, was finally removed from the excavator in the early afternoon.

"I'm feeling pretty sad at the state of North Dakota for defending the oil companies and oppressing the people," said American Horse.

As soon as American Horse was loaded in a police car, work on the Dakota Access Pipeline resumed.

Including the eight arrested today, 37 people have now been arrested for protesting the pipeline. Those arrested today were:

Arrested 8/31 as of 4 p.m.

Jeremiah IronRoad, 25, Cannonball, ND (individual was secured to equipment)
Criminal Trespass, Obstruct Government Function

Dale "Happy" American Horse Jr., 26, Sioux Falls, SD (individual was secured to equipment)
Prevent Arrest, Criminal Trespass, Obstruct Government Function

Lisa Winter, 47, St. Louis, Mo. (individual was standing on equipment)
Prevent Arrest, Disorderly Conduct, Criminal Trespass

Elizabeth Branham, 25, Fair Oaks Ranch, TX
Obstruct Government Function, Disorderly Conduct

Maxfield Estela, 26, Edmonds, WA
Obstruct Government Function, Disorderly Conduct

James Ironeyes, 52, Fort Yates, ND
Obstruct Government Function, Disorderly Conduct

Wicahpiluta Candelaria, 34, Sanleandro, CA
Obstruct Government Function, Disorderly Conduct

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Enbridge Pulls the Plug on Sandpiper Pipeline

Company says it won't pursue regulatory approvals

Published 09/01 2016 09:19PM - Updated 09/01 2016 09:25PM

Enbridge Energy has dropped its proposal to build the Sandpiper crude oil pipeline.

Enbridge attorneys notified the Minnesota Public Utilities Commission Thursday that the company won't pursue the regulatory approvals needed for the 2.6 billion dollar Sandpiper project.

The company cited market conditions and other factors as reasons not to continue.

The pipeline would have carried North Dakota crude across Minnesota to Superior, Wisconsin.

The 616 mile pipeline would have started near Tioga.

Environmentalists fought the 616-mile pipeline, saying it threatened ecologically sensitive areas.

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No Decision Yet on Pipeline Under Lake Sakakawea

Judge Will Decide if Work on Pipeline Under Lake Sakakawea Will Continue

Published 09/01 2016 06:21PM - Updated 09/01 2016 06:40PM – VIDEO:

<http://www.clipsyndicate.com/video/play/6539706>

BISMARCK - Workers continue construction on a gas pipeline that would stretch underneath Lake Sakakawea.

It's builders say it will be buried about 100 feet below the lake bed.

Here's the conflict:

The Three Affiliated Tribes claims it owns the mineral rights under Lake Sakakawea.

And because of that, it owns that space.

It's a right it says dates back to a 1984 Mineral Restoration Act.

The tribe contends has the right to reject the pipeline

In August, it succeeded in getting a cease and desist order against Paradigm Energy.

Forcing it to stop work.

Since then however, Paradigm received a temporary restraining order against the tribe...so the construction got back underway.

Judge Daniel Hovland has the task of deciding whether the project should continue.

He heard arguments today from both sides.

The tribe's main point is that it never gave consent to Paradigm to bore through what it considers tribal land.

(John Fredericks/ Attorney for Three Affiliated Tribes)

"I'm happy with the case we presented and the arguments we made. I think the federal law is pretty clear and the judge will make the right decision."

Paradigm says it didn't need the tribe's consent to start work on the pipeline.

And it says, if it stops work, it could lose more than \$12 millions dollars.

A loss its told the judge would force it out of business.

It's a complex legal battle - he said/she said arguments, incomplete email threads and even some accusation of payoffs.

Judge Hovland kept asking lawyers and witnesses about any previous court cases that can help him make a decision.

It looks like he is on his own.

Hovland told both parties he needs time to think through the testimony.

Don't expect a decision for a couple of weeks.

The temporary restraining order allowing Paradigm to continue work expires next week.

Judge Hovland hinted at extending that order, but did not make a decision.

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Paradigm Energy Partners suing Three Affiliated Tribes over pipeline under Lake Sakakawea

By Bo Evans | Posted: Thu 6:04 PM, Sep 01, 2016 | Updated: Fri 9:08 AM, Sep 02, 2016 – VIDEO:

<http://www.kfyr.tv/content/news/Three-Affiliated-Tribes-suing-Paradigm-Energy-Partners-over-pipeline-under-Lake-Sakakawea-392081861.html>

BISMARCK, N.D. - Another legal battle over a crude oil pipeline took place in Federal Court in Bismarck Thursday afternoon. This one is over a pipeline that runs under Lake Sakakawea.

On August 8, the Three Affiliated Tribes sent Paradigm Energy Partners a cease and desist order to halt construction on the project. Paradigm was granted a temporary restraining order to resume building the pipeline because they contend they don't need permission from the tribe to continue since they already have permits from the Army Corps of Engineers.

The Tribe claims they never granted permission for Paradigm to drill under the lake.

"The tribe's consent is required for anyone to bore a pipeline into the tribe's mineral estate below Lake Sakakawea as required. The Tribe made that clear to Paradigm. Paradigm came to the tribe, they sought the tribe's consent on two separate occasions. They didn't get it, they bored anyway. We told them to stop, and they sued us in federal court," says John Fredricks, Peebles & Morgan.

Judge Daniel Hovland said he would likely extend the temporary injunction which expires September 6. That means Paradigm can continue construction until the judge issues a ruling on the case.

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Spring flooding a concern in Devils Lake

By DANIELLE WEBSTER • AUG 31, 2016

Spring flood projections are not out yet for 2017, but officials in Devils Lake are concerned current conditions could lead to significant flooding.

Jeff Frith is the manager of the Devils Lake Basin Joint Water Resource Board. He says Devils Lake's outlets have not been able to run at full capacity this summer; significant rains have meant outflows needed to be scaled back, and water quality and pump maintenance issues keep coming up. Frith says Devils Lake sits at 1450.10, which is about

where it was at spring thaw. He says the effects of runoff from the upper basin and full coulees that should be dry now are yet to be seen.

"There's a lot of water left to come into Devils Lake, and that's something we really haven't seen since the '93 year when we had significant rains in the summertime. So it's obviously very concerning going into fall this late in the season that we have those kind of flows in the coulee, and it's something to be aware of. Depending on what the winter brings us, we could be in for a significant runoff next spring. And that's a very scary outlook to go into winter with, saturated soils and upper basin storage areas at capacity or higher."

Frith says stabilizing the lake level would bring economic opportunities for the community. He says it's tough to run a farm, or resort, near a lake with unpredictable levels.

"You know, high, low, whatever it is, we need to be able to go on with our lives without worrying about going dry, or having too much water. If we could stabilize Devils Lake within a two, three foot bounce area... you can develop around it, you can farm, you can go on with your life without worrying about that added burden that a whole bunch of water is going to drown you out - or a lack of water will dry up your industry."

Devils Lake's present day historic high level is 1454.3, which is less than four feet from its spillover elevation of 1458.

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State officials working on foam fix for Devils Lake outlet

- Updated 1 hr ago

DEVILS LAKE, N.D. (AP) — Excess foam is limiting the operation of one of the two floodwater outlets on Devils Lake. KZZY radio reports that the State Water Commission is trying to figure out a fix for the problem.

Construction Engineer Jon Kelsch says lower discharges from the west-end outlet due to the foam issue in turn impact how much excess lake water can be sent through the east-end outlet, due to water quality constraints.

Kelsch says officials are optimistic the problem will be fixed soon.

There's still about two months to go before the outlets have to be shut down for winter.

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