

Dakota Access Pipeline Protest Threat Assessment

September 8

2016



(U) Dakota Access Pipeline Protest Threat Assessment

(U) Scope

(U//LES) This assessment is a joint analytical product highlighting the protest activity that has taken place near the Standing Rock Indian Reservation as a result of the construction of the Dakota Access Pipeline.

(U//LES) This document represents the analytic judgments of multiple law enforcement agencies. This assessment uses the following descriptions to note levels of confidence in assessing individual and group activity and threat.

- High confidence generally indicates judgments based on high-quality information and/or if the nature of the issue makes it possible to render a solid judgment. Medium confidence generally means there are various ways to interpret the information, we have alternate views, or the information is credible and plausible but not corroborated sufficiently. Low confidence generally means the information is scant, questionable or very fragmented, making it difficult to make any solid analytic inferences.
- High threat indicates that there is evidence to suggest or indicate that individuals have the expressed intent, capability and opportunity to carry out a particular act, be it a terrorist attack, fundraising, radicalization or criminal activity or that the activity is ongoing and significant in volume. Medium, threat indicates there is evidence to suggest that individuals have two of the three components necessary to commit an act or that the activity is ongoing, but limited in volume. Low threat indicates that existing evidence suggests that individuals possess one or none of the components necessary to commit and act or that the activity is sporadic or non-existent.

*** (U) This information is being provided for public safety awareness purposes only and neither indicates nor suggests any suspicion or underlying information regarding known or suspected criminal behavior by demonstration participants. Note that lawful protestors are entitled to all protections, liberties, and privileges in exercising their First Amendment rights to peacefully assemble and seek redress of grievances. The North Dakota State and Local Intelligence Center only reports on First Amendment protected activities for local operational planning, public safety and situational awareness purposes. ***

(U) Summary of Events

(U//LES) The Dakota Access Pipeline (DAPL) Project is a new approximate 1,172-mile, 30-inch diameter pipeline that will connect the rapidly expanding Bakken and Three Forks production areas in North Dakota to Patoka, Illinois. Individuals are protesting this construction project stating that a pipeline leak would contaminate the water supply on the nearby Standing Rock Indian Reservation. The protests are occurring along Hwy 1806, just north of Cannonball, ND which is 43 miles south of Mandan, ND. Initially, the majority of protesters were from the Standing Rock Indian Reservation, but now people from across the country and internationally have arrived and are here to support the protestors. The pipeline will cut across Morton County but will not lay upon any reservation land. The construction plans call for the pipeline to go under the Missouri River and not directly through it. The route through ND was originally expected to be completed on December 31st, 2016.

(U//LES) Contractors began surveying the construction site in southern Morton County on August 10th, 2016 and armed private security personnel were present to provide additional security. Dozens of protesters arrived at this time and chased the surveyors and security contractors out of the area. Ten arrests were made by LE with charges of criminal trespass and disorderly conduct. This initial string of arrests likely inspired other individuals to travel to the area and support the protests.

(U//LES) By August 12th about 300 protesters were at the protest site near Cannonball, ND. Law enforcement experienced physical resistance from the protesters for the first time. Standing Rock Sioux Tribal Chairman David Archambault II was arrested and charged with disorderly conduct and criminal trespass. Some protesters began using two way radios to monitor and intercept contractor communications. One protestor reported hearing a message related to the possible disturbance of a sacred burial ground. The claim for unfounded, but it greatly agitated other protesters.

(U//LES) On August 15th Dakota Access LLC filed a lawsuit against Standing Rock Sioux Tribal Chairman Archambault II and other protesters, seeking restraining orders and unspecified monetary damages. An injunction was filed against the U.S. Army Corps of Engineers to stop the DAPL project. A judge is expected to rule on September 9th. In the afternoon on the same day, LE was overran by 300-600 protesters. Some of the protesters were on horseback. They circled and antagonized LE by yelling insults and possible threats. Law enforcement, contractors and private security vacated the area due to the unsafe conditions.

(U//LES) Work at the DAPL had stopped on August 16th and law enforcement and the security presence in the area, with the exception of emergency medical response, also ended. The oil

company had a small security presence stay on site to oversee the safety of their assets. Hundreds of protesters continued to remain in the area at that time.

(U//LES) The personal contact information for a senior ND Department of Emergency Services (NDDDES) employee was been leaked online on August 24th. The NDDDES and the North Dakota State and Local Intelligence Center (NDSLIC) have seen a sharp increase in harassing phone calls aimed against this individual. This is likely in relation to a news article that stated DES was directly responsible for the removal of a water trailer from the protest site.

(U//LES) On 08/31/2016, a protester chained himself to a piece of pipeline equipment along ND Hwy 6. He was joined by 50 other protesters and many LE officers. Eight arrests were made that day, as LE had to physically force the other protesters away from the equipment.

(U//LES) On 09/03/2016, a group of protesters marched from their camp to where construction was taking place on the pipeline. This march illegally blocked traffic in both lanes of the roadway. Once at the construction area, they broke down a wire fence by stepping and jumping on it. They stampeded into the construction area with horses, dogs and vehicles. The pipeline security officers were hit and jabbed by the protesters with fence posts and flag poles. Dogs were used for defense and protection for the workers. After being verbally and physically assaulted, the pipeline workers were forced out of the area by the protesters.¹ This event received a great deal of attention on social media. Individuals that are sympathetic to the protesters spoke out aggressively against the use of dogs for protection.^{2,3}

(U//LES) On 09/06/2016, protesters again attached themselves to pipeline equipment as a way to delay any possible work at the construction site.

(U//LES) Since the work stoppage on the 16th, very little pipeline construction activity has taken place in Morton County. However, construction is continuing at other locations in North and South Dakota, Iowa and Illinois. The project is still expected to be completed by the end of the year. A total of 37 arrests have been made in connection with the pipeline protests.

(U//LES) There are three main camps housing the protesters. These are the Sacred Stone Camp, also known as the Spirit Camp, the Rosebud camp and the Seven Councils Fire Camp, also known as the Red Warrior Camp.

(U//LES) There have been two instances of ND Highway Patrol aircraft being lazed while flying over the campsites since the protests began. The most recent lazing event occurred on 08/21/2016. Individuals have outwardly stated that they own the airspace above reservation land.

(U//LES) A radio station was created in the camps to distribute information to the protesters. The station, called Standing Rock Resistance Radio on 87.9FM, at one point told listeners that they must be prepared to die for their cause. The station interviews individuals staying⁴

(U//LES) Surveillance Tactics Used Against LE Personnel

(U//LES) Since the beginning of the protests, there have been many reports of individuals conducting surveillance of law enforcement buildings and facilities in the Bismarck/Mandan area, even including some officer's residences. Some LE officers have also reported being followed by suspicious vehicles. Many events pertain to LE being photographed going to and from the Morton County Law Enforcement Center in Mandan, ND. Listed below are significant events that have been documented regarding suspicious people and vehicles involving LE officers:

- 08/21/2016 – A vehicle was spotted in front of the Morton County LEC. The driver was possibly conducting surveillance of LE in the area. It was parked in the same location for two days.⁵
- 08/22/2016 – A vehicle was reported to have been driving around the area of the Morton County courthouse/LEC. The vehicle did not have any plates or placards. It may have been conducting counter-surveillance.⁶
- 08/22/2016 – An off duty Burleigh County Deputy observed a female in a vehicle taking pictures and videos of this house. The deputy tried to confront the individual, but the vehicle sped off. He eventually was able to take pictures of the license plate after following in his own vehicle. The female was later identified and is known to be recruiting for the protests.⁷
- 08/23/2016 – The Morton County Commissioner reported a vehicle was parked on I-94 above his residence multiple times. The same day, the commissioner reported that one of his dogs had been taken from his residence.^{8,9}
- 08/25/2016 – A vehicle was seen taking pictures and video recording the Morton County LEC. The vehicle was a blue, 2010 Chevy Impala.¹⁰
- 08/30/2016 – An improvised protest occurred at the law offices of Fredrickson & Bryon in Bismarck. The protest was part of a plan to have one protest a day throughout the week.¹¹
- 08/30/2016 – An individual was caught videotaping the Morton County Commissioner's residence in Mandan. Extra LE was sent out to patrol the area at that time.¹²
- 09/02/2016 – A vehicle was seen circling around the Morton County LEC. The vehicle was a green, 2005 Chrysler 300.¹³
- 09/02/2016 – A correctional officer reported a suspicious vehicle was possibly taking pictures near her house. When a relative of the officer approached the vehicle, it quickly drove away.¹⁴

- 09/04/2016 – A Morton County correction officer and two other individuals were returning from a run to their car in a parking lot. Another vehicle was parked in the adjacent spot and it appeared that the passenger of the vehicle was trying to video record the C.O. and her friends. The driver of the vehicle was trying to hide his face during the encounter.¹⁵

(U) Social Media and Online Activism

(U//LES) Social media, and more specifically Facebook, has been one of the main ways for pictures, videos, opinions and information about the protests to be shared. Unfortunately, this has been a way for misinformation and threatening remarks against LE to be passed around the online community as well.

- A possible member of the online hacking group Anonymous posted on the site ghostbin.com calling for other Anonymous members to stand with the protesters against the DAPL. The post specifically listed the North Dakota National Guard website and the North Dakota Highway Patrol website as possible targets.¹⁶ According to the North Dakota Information Technology Department (ND ITD), at this point there has not been any evidence of unusual network activity since this announcement was made.¹⁷ Other Anonymous-related videos have been made and posted online, but their association with the real Anonymous organization has not been verified.¹⁸
- Some individuals have used doxing as a way to retaliate against individuals that have made negative comments about the protesters. An individual posted the names of specific people on Facebook that have made racist comments against Native Americans. Comments have also suggested to save these racist posts and send them to the individual's employer as a way of public shaming.¹⁹
- A private security guard for the DAPL was doxed because of her involvement in using dogs against the protesters on 09/03/2016. Her personal phone number and email address were shared on Facebook. Another security guard was also doxed and a photo of one of his children was identified and posted on Facebook.²⁰ There have also been reports that local LE officers involved with the protests have also had their home address information posted online.²¹

(U) Individuals of Interest

(U//LES) John Hildinger was present at the camp for a short period of time in late August. Hildinger is a well-known figure in the patriot movement and is a declared III% Militia member. He has many anti-government ideologies and dislikes law enforcement. His time at the protest site was short as he was removed from the camps after prominently displaying a confederate flag

among the tribal flags.²² Recent intel received states that William C. Fisher may be heading to the camps as well. Fisher is an avid supporter of LaVoy Finicum, who was killed during the infamous wildlife refuge occupation in Oregon. Fisher stayed and protected Finicum's memorial for 40 days. Fisher has also been associated with Hildinger in the past.²³

(U) Groups of Interest

(U//LES) The following groups have had a presence at the camps since the beginning of the protests:

- **(U//LES) Unicorn Riot (UR):** Unicorn Riot is a small independent media volunteer non-for-profit group (17 active members spread out throughout the state) for online news outlets that was first created during the Occupy Wall Street movement. Unicorn Riot has gone on to cover various protest and events things they consider as social justice movements, often revolving around protests and/or riots. UR is skilled at video recording police response to protestor action while "missing" the protestor action that caused it, to make the police response seem excessive. UR is very active on social media and job search related sites such as Linked-In to collect criminal justice and law enforcement employee resumes, which often contain addresses and identifying information. They then post this information to social media. UR has been filming in North Dakota since the first days of the protest and continue to post videos as police involvement increases.
- **(U//LES) Native Lives Matter (NLM):** NLM is very similar to Black Lives Matter. They are often seen mixed in at Black Lives Matter events. NLM is many times more vocal about violence by law enforcement on social media. NLM is not well known to the majority of media or the public. Many of the issues that NLM focus on pertain to custody deaths and police use of force up to deadly force on natives. NLM has been seen at the protests in North Dakota in small numbers; multiple protestors wearing NLM attire and various cement barriers have #NativeLivesMatter painted on the side. Gabriel Black Elk, an organizer from NLM, has also been in Dakota protesting via posts on social media.
- **(U//LES) United Urban Warrior Society (UUWS):** This group is a privately held, funded, and volunteer, non-profit community organization. Their mission statement is social services to native peoples and social change for their nation. They deal with issues of environment, governance, land, treaties, oppression and genocide. They describe their "battlefield" as that of concrete and prairies. UUWS has been seen associated with the protest, posting on social media, and acting as support. No past criminal activities have been mentioned or discovered.
- **(U//LES) Urban Native Era:** A collection of Native American youth striving to create a vision and a voice of the 7th generation. They are a support organization to empower voices and

reclaim traditional knowledge to show what it means to be Indigenous and Free. Urban Native Era have been posting on social media but cannot be confirmed to have direct involvement with the protest. No past criminal activities have been mentioned or discovered.

- **(U//LES) Gavin Seim for Liberty:** GAVIN SEIM and his brother NATHAN SEIM have been very vocal on social media regarding the DAPL. Nathan has been in North Dakota and was actively associating with protestors. Various protestors have posted concerns on social media of Nathan's presence in North Dakota and have asked fellow protestors not to interact with them. He constantly incites violence against the federal government and police. Nathan has been seen calling out Sheriff Kirchmeier of Morton County on social media, calling him a coward and a liar. Nathan often tweets (On Twitter) things such as "There is no such thing as an illegally purchased or possessed gun. No gun can be illegal according to our highest law". Gavin Seim is a self-described "liberty speaker". Federal law enforcement partners are very concerned about his presence due to his radical libertarian view and open-carry persona. He and his partners often arrive to locations with long guns, small arms, and other weapons claiming constitutional freedom. Gavin is highly anti-law enforcement. He also likes to challenge various checkpoints and get into confrontations with law enforcement.
- **(U//LES) American Indian Movement (AIM):** AIM is an American Indian advocacy group in the United States formed in July 1968 in Minneapolis, Minnesota. Their mission is to address American Indian treaty issues, sovereignty, leadership, and spirituality, as well as addressing issues of perceived racism, and police harassment. AIM's goal is "real economic independence for Indians". AIM members are highly active in the Pine Ridge reservation area of South Dakota and are involved in multiple violent deaths, shootings, and assaults. AIM has several members at the Red Warrior camp and has been vocal on social media advocating threats against law enforcement.
- **(U//LES) Rez Riders IMC:** The Rez Riders mission statement is to foster a family environment of Native people dedicated to Motorcycle riding and to support Native people through charitable acts. Their website describes them as mainly located in Arizona and California, and "soon to be in North Dakota". Rez Riders rode from California to Cannonball, ND to deliver supplies and assist in protest actions. The leader of the Rez Riders is listed online as Leander Mahape.
(U//LES) NDSLIC Analyst Note: The president of the Rez Riders IMC was recently arrested. It's possible that this event was one of the reasons the Rez Riders have been asked to leave by the leaders of the protest.²⁴
- **(U//LES) Indigenous Environmental Network (IEN):** The IEN is a grassroots networks of activists and communities based out of Bemidji, MN. Established in 1990, IEN was formed to bring unity to activities that will build the capacity of Indigenous communities and tribal

governments to develop mechanisms to protect sacred sites, land, water, air, natural resource, and health of all living things. They have not been involved in any known criminal acts during protests. They are active at the protests in Cannonball, ND.

- **(U//LES) Honor the Earth:** This group is a native-led Callaway, MN based movement established by Winona LaDuke and Indigo Girls Amy Ray and Emily Saliers in 1993 to address the two needs of the Native environment movement. These include the need to break the geographic and political isolation of Native communities and the need to increase financial resources for events.
- **(U//LES) Idle No More:** This group is a grassroots movement among the Aboriginal peoples in Canada comprising the First Nations, Metis and Inuit people and their non-Aboriginal supporters in Canada and internationally. The movement has included round dances in public places, flash mobs, and blockades of rail lines. On December 28, 2012 a flash mob was organized for Kirkwood Mall in Bismarck. The swift action was facilitated by the organizers using social media such as Twitter and Facebook. Over 300 individuals converged in the main mall area, played drums and sang songs for several minutes. The group then peacefully dispersed. In early 2013, the group planned an "Oil Industry Traffic Stop" at the Fort Berthold Indian Reservation. Social media was the main tool for communication of this event as well.
- **(U//LES) Nation of Islam:** According the BIA, the Nation of Islam now has a representative in the one of the camps.

(U) Threats to Critical Infrastructure

(U) The following critical infrastructure is located in the vicinity of the DAPL protest.

- Northern Border Natural Gas Pipeline (adjacent to DAPL, valve sites at 46.436793, -100.599219 and 46.436793, -100.599219)
- Basin Electric transmission line (46.441856, -100.767544 to 46.440449, -100.576446)
- North Dakota Highway 1806 (46.463977, -100.631013 to 46.426247, -100.635496)
- Cannon Ball River Bridge (46.415406, -100.635347) & Cantapeta Creek Bridge (46.426144, -100.635362)
- South Central Regional Water District Intake (46.287664, -100.567374) and Treatment Plant (46.276199, -100.547665)

(U//LES) The Northern Border Natural Gas Pipeline (NBNGP) is a 42 inch pipeline that runs from the Canadian border through North Dakota and ends in Illinois. The pipeline runs adjacent to the DAPL pipeline and has above ground valve sites. These valve sites are secured with chain link fences but would be vulnerable to attack by protesters. Potential consequences of damage to the NBNGP pipeline could cause a large explosion with the potential for loss of human life and damage

to natural resources. The NBNGP crosses the DAPL 18 times which heightens the risk of an incident.

(U//LES) The Basin Electric Antelope Valley - Broadland transmission line is a 345kV line that runs east-west through the protest site for approximately 6.5 miles at the Missouri River crossing using large lattice steel line. There is no security in place on the lines or towers and there have been no reported threats to the infrastructure. Potential consequences to damage of the transmission line would be no immediate effect on the bulk electric system but serious injury to protesters or construction workers could occur.

(U) North Dakota Highway 1806 runs north-south through the main protest area and enters the Standing Rock Indian Reservation at the Cannon Ball River Bridge. The highway is the primary access for those traveling between the Bismarck/Mandan Metro area and the SRR. There have been numerous incidents of protesters (persons, horses, and parked vehicles) on the highway and in the ditches causing traffic disruptions as well as minor damage to the road from graffiti. There are no reported threats of permanent damage to the road that would cause a long term disruption.

(U) The Cannon Ball and Cantapeta Creek bridges are located on ND Highway 1806 between the construction (protest) site and the camp sites of the protesters. These bridges are imperative to the flow of commerce and emergency responders to and from Standing Rock Indian Reservation. There have been no threats to the bridges. Due to the ability to more easily restrict vehicle and pedestrian traffic at a bridge, there is potential for barricades to be setup on or near the bridges to prevent travel of either law enforcement / emergency responders (by protesters) or protesters (by law enforcement).

(U//LES) The South Central Regional Water District Intake is the drinking water intake source for approximately 1100 services plus the towns of Linton, Strasburg and Hague and is located on the east bank of the Missouri River in Emmons County. Connected to the intake is a treatment plant approximately 1 mile east and a 1/2 mile south. There have been no reported or observed threats toward this water treatment plant and due to its distance from the protest site the risk of damage is minimal. The buildings do have backup generators in the event electricity is lost due to protest activities.

(U) September 9th Injunction Hearing

(U//LES) On September 6th 2016, a U.S. District judge ruled that the Dakota Access Pipeline must temporarily stop construction in one area of its route, but can proceed in another. Judge James Boasberg ordered no construction east of Hwy 1806 just north of the Standing Rock Indian

Reservation boundary, extending the no construction zone 20 miles across to the east of the Missouri River. The judge ordered construction can proceed on private land west of the highway because there is no ownership and jurisdiction by the U.S. Army Corps of Engineers. Judge Boasberg stated he will decide before the end of September 9th whether to issue a permanent injunction against the pipeline project. Protesters have stated that they will continue to oppose the construction of the pipeline if Judge Boasberg does not rule in their favor. Recent posts on social media have indicated that some individuals are prepared if necessary to remain on site during the winter months if the decision does not go in their favor.

(U//LES) The NDSLIC has high confidence that there is a high threat of violence directed towards workers of the DAPL and law enforcement if the U.S. District Judge does not issue an injunction. Despite the fact that representatives and leadership of the protest camps have stated that they are peaceful, outside agitators have already shown their intent and capability to act out violently against anyone does not support stopping the pipeline. A ruling against the Standing Rock Indian Reservation could result in continued vandalism of DAPL property and equipment, an increase in trespassing onto construction sites and an increase in violence directed toward law enforcement in the area.

(U) Intelligence Gaps

(U//LES) Why are individuals conducting surveillance on law enforcement personnel?
(U//LES) Are there certain individuals that are coordinating the efforts of surveillance on LE?
(U//LES) When and where will the next protests occur?
(U//LES) Who are the individuals advocating violence or making threats to Law Enforcement?
(U//LES) Are any groups present in the camps advocating violence to LE?
(U//LES) Are individuals/groups acquiring and/or stockpiling weapons?
(U//LES) Are there any public health hazards that could affect protestors and first responders?
(U//LES) Are there any violent gangs or Homegrown Violent Extremists (HVEs) present at the camps?

(U) Tracked by:

- **(U//LES) ND-HESC-1, ND-HSEC-6, ND-HSEC-10, ND-HSEC-11, ND-HSEC-12, ND-HSEC-14**
- **(U//LES) HSEC-1, HSEC-6, HSEC-10**

(U) References

- ¹ Morton County Sheriff Report
- ² Morton County Intel Tip #202
- ³ Morton County Intel Tip #195
- ⁴ Morton County Intel Tip #109
- ⁵ Morton County Intel Tip #80
- ⁶ Morton County Intel Tip #73
- ⁷ Burleigh County Sheriff
- ⁸ Morton County Intel Tip #130
- ⁹ Morton County Intel Tip #129
- ¹⁰ Morton County Intel Tip #145
- ¹¹ Morton County Intel Tip #158
- ¹² Morton County Intel Tip #162
- ¹³ Morton County Intel Tip #176
- ¹⁴ Morton County Intel Tip #191
- ¹⁵ Mandan Police Department Intel
- ¹⁶ Michigan State Police
- ¹⁷ North Dakota Information Technology Department
- ¹⁸ Morton County Intel Tip #206
- ¹⁹ Morton County Intel Tip #140
- ²⁰ Morton County Sheriff
- ²¹ Morton County Intel Tip #201
- ²² Morton County Intel Tip #55
- ²³ Morton County Intel Tip #207
- ²⁴ Morton County Intel Tip #120