

Journal #2757

from sdc

1.2.13

IdleNoMore Continues

Engulfed by Arctic Waters: Residents on the Frontline of Climate Change

Poop Request

Keystone Pipeline Goes Forward as Texas Court Ditchers

[Spirit of Mount Drum's photo](#)



[Linda Anderson's photo](#)

[Shane Powless's photo](#)

[Robert Pictou's photo](#)



BILL C-45

Harper Government reduced the number of protected lakes and rivers in Canada from 2.5 million to 62 rivers and 93 Lakes.

The changes leave thousands of Canada's waterways unprotected and further eliminate environmental hurdles for projects like Enbridge's Northern Gateway pipeline, which would cross nearly 800 water crossings.

Notably absent are significant rivers in British Columbia, such as the Kitimat and Upper Fraser Rivers, which lie along the path of the proposed Enbridge Northern Gateway pipeline.



**It's not the Indians
You should be afraid of...**





Canada | Arrange meeting requested by Chief Spence, Lawyers Rights Watch Canada tells PM – Lawyers'

www.lrwc.org

We write to urge that you immediately arrange a meeting as requested by Chief Theresa Spence. Chief Spence wants a meeting on a Nation to Nation basis with the Prime Minister, the Crown, and the Provincial and Territorial leaders along with all the First Nations leaders to discuss First Nations' inh...

Portage and Main. Winnipeg. Today. Idle No More

(photo: Eman Agpalza)

<http://www.banksy.co.uk/outdoors/images/trespassing.jpg>

www.banksy.co.uk

Idle No More Temecula Promenade

We must make them see us and recognize we are here. Bob Black Crow Length: 3:49

Idle No More: Toronto, Dundas Square, Jan-1-2013

www.youtube.com

With events worldwide, #IdleNoMore movement grows too big to track

www.theglobeandmail.com

Website administrators say they can't keep up with all the events worldwide while pressure builds on Harper to meet hunger-striking chief

Harper government bills that enraged First Nations and sparked Idle No More

www.vancouverobserver.com

Jenny Uechi Photo by Isabeau Doucet One of the first questions that people ask about the Idle No More movement is what the movement is all about.

- **Princess Tonya IDLE NO MORE Calgary & Treaty 7 AREA PEACE MARCH & RALLY downtown.**

- **Yesterday at 11:47 ·**
- **Bill C-45**
- **Tom Flanagan states that Idle No More movement is wrong**
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- **One of the most inflammatory, but inaccurate, claims coming from the Idle No More movement is that Bill C-45, the second budget implementation act, has deliberately made it easier to sell off Indian reserves. A little background information is necessary to understand what has actually happened.**
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- **Many first nations have achieved economic success by leasing portions of their reserves for shopping centers, industrial parks, residential developments, casinos and anything else that might make money. Such projects create jobs and generate property tax revenues that first nations need to provide better services for their members.**
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- **Yet, success has been hard won because of cumbersome procedures prescribed by the Indian Act. Designation of land for leasing had to be approved by majority vote in a referendum or band meeting for which the quorum was a majority of members – in other words, approval by a majority of a majority. If, as usually happened, the quorum was not achieved, the Minister of Aboriginal Affairs could authorize a second meeting dispensing with the quorum.**
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- **This two-stage procedure typically added six months to the duration, and tens of thousands of dollars to the cost, of designation. At the other end, approval for designation had to be granted by order-in-council – that is, a formal resolution of the federal cabinet signed by the Governor-General – meaning more months of delay.**
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- **First nations pursuing economic development have complained for years that the slowness of these procedures caused extra expense and sometimes even the loss of lucrative projects to competing jurisdictions able to move more quickly. Bill C-45 responded to these long-standing concerns by making two changes: (1) replacing approval by order-in-council by approval of the Minister of Aboriginal Affairs; and (2) replacing the requirement for a majority of a majority with simple majority rule – the same way the chiefs of first nations are elected.**
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- **These amendments do not force first nations to do anything. They only make it easier for those who want to lease land to do so. And only leasing is involved; the rules governing sales of reserve land remain unchanged.**
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- **The House of Commons standing committee on aboriginal affairs considered these amendments on Nov. 19, and several prominent aboriginal leaders gave evidence. All agreed that the changes would streamline the designation process. Some wanted to dispense with community referendums and federal approval altogether, thus giving first nations the same power to manage their lands that Canadian municipal governments enjoy. Even the lawyer representing the Assembly of First Nations**

cautiously endorsed the substance of the amendments while opposing their passage, saying there hadn't been adequate consultation with first nations.

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- **Consultation has become a shibboleth of our time. It is, indeed, an essential part of democracy, but it can also become a constraint on freedom. Prolonged consultation may give some people a veto to prevent other people from exercising their own rights. In this case, there was well-documented dissatisfaction of numerous first nations, extending over many years, with the rigidity of Indian Act leasing rules. The government responded to their complaints by amending the Indian Act, thus making it easier for them to take initiatives to improve the welfare of their own people. Nothing in these amendments requires other first nations to do anything at all.**
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- **This, by the way, is in accord with first nations' long political tradition of fierce independence. That's why they call themselves "first nations" rather than "first nation"; they are many peoples with their own unique histories and visions of the future. The consultations required to modernize and eventually replace the Indian Act should not become a straitjacket for those first nations that have already begun to determine their own economic future.**
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- **Tom Flanagan is professor of political science at the University of Calgary and a campaign manager for conservative parties.**
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- **NOTE: I did not know what shibboleth was so I looked it up**
- **shibboleth**
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- **1. principle or belief that is considered old-fashioned. a principle or belief that is considered to be old-fashioned and no longer important**
- **2. a word or phrase frequently used, or a belief strongly held, by members of a group that is usually regarded by outsiders as meaningless, unimportant, or misguided**
- **3. a saying that is widely used or a belief that is widely held, especially one that interferes with somebody's ability to speak or think about things without preconception**
- **4. a unique pronunciation, word, behavior, or practice used to distinguish one group of people from another and to identify somebody as either a member of the group or an outsider**
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- **Harper has been listening to Tom Flanagan and is using him to discredit anything that the First Nations do. He seems to be very influential with the Gov't because he helped Harper get in Power. This man needs a wake up call! A handful of First Nations who are economically prospering do not out weigh the First Nations who have little or nothing to economically prosper from! This government has stolen our natural resources and now are justifying themselves to legislate away our Treaties. While this Gov't pats themselves on the back they are continuing to allow our people to starve and Chief Spence to starve for us! IDLENO MORE is much more than One**

professor's thoughts! I think that this professor's classroom should be taken over by an Idlenomore event in January so he knows that we are aware of his hand in Harper's pocket!

Engulfed by Arctic Waters: Residents on the Frontline of Climate Change
Monday, 31 December 2012 00:00 By [Leslie Thatcher](#), [Truthout](#) | Interview

Aerial view of Kivalina, Alaska. (Photo: [U.S. Army Corps of Engineers](#))

Truthout contributing author and academic researcher Christine Shearer authored [Kivalina](#): A Climate Change Story a little over a year ago. Her book recounts the story of how the inhabitants of an Alaskan Native village, whose island home is being steadily eroded and engulfed by the surrounding waters, have tried to respond to climate change and its corporate deniers. Shearer and Kivalina resident Colleen Swan "spoke" with Truthout's Leslie Thatcher in a recent email interview:

Leslie Thatcher for Truthout: Colleen Swan, please tell Truthout's readers about life in Kivalina and its history.

Colleen Swan: Kivalina is situated on a barrier reef island that is about 8 miles long and a quarter-mile wide. It was not the ideal place that the people of Kivalina wanted to live on. The Bureau of Indian Affairs put us there. Before that fateful decision by the federal government, our people lived in their own settlements in the geographic area of the island. The island was used only as a summer seasonal camping ground for ocean subsistence hunting.

Kivalina is the only bowhead whaling community in the Northwest Arctic Borough. We should have been a part of the North Slope Borough because we're always treated as outcasts within our own regional organizations because some residents of Kivalina are not afraid to speak out and demand the protections that are due all United States citizens. And further, we are not afraid to fight back or to push back; neither are we afraid to share our stories of struggles and triumphs alike.

Our own belief systems are the "unwritten laws" that we live by. It is not a matter of spelling out what rules we are to follow about every part of our lives; it's what we are born into. This is our life and our processes are a given. They are not enforced by government, neither are they written to be taught to our children. These are just part of our societal norms that are lived every day and "enforced" by family patriarchs or matriarchs.

Right now, life in Kivalina is not just physically threatened by Mother Nature's wrath, but along with that comes the threats against our very identity as a people. Our battles throughout this relocation planning process [due to climate change] has caused our own village leadership to violate their own laws, all in the name of protecting our rights to freedom, to live and be free in the United States, a constitutional right.

LT: How is oil drilling affecting that life?

CS: Oil drilling is not physically affecting our lives. But the threat of oil spills and the threat to the migrating sea mammals is a threat to our livelihood. We live largely on the tribal resources

that come from our natural environment from the land, waters and the air. Anything that threatens that is a threat to us spiritually, physically, culturally, mentally, emotionally and economically. These are not just words; this is the hard truth.

LT: What impact has climate change had on the population of Kivalina?

CS: Climate change has had a major impact on Kivalina in many ways. Even though our people are adaptable to changes, a rapid change in the climate has made adaptation difficult. Not only are we impacted in our daily lives, but our current location has become increasingly precarious having a major impact on us physically to a point where we are now required to move to higher ground and more inland, a very cost-prohibitive impact.

Ever since 2004, we have lost our peace of mind. It was then when we realized the true nature of our predicament because the shore ice that once protected us from the natural ocean surges was no longer there.

And now with the sea level rising, a University of Alaska-Fairbanks professor (Dr. Vladimir E. Romanovsky) who has conducted a study that made predictions of flooding in low-lying areas, shows Kivalina going under water within 50 years time. It was this very prediction that interrupted the process of relocation of the village that was supposed to have commenced in 2006. It was then that the relocation of our village became no longer an option, but a matter of survival.

LT: So it's caused the need for relocation: How has climate change further affected the mechanics and time table of relocation?

CS: When we first started the Kivalina Relocation Project, it was to meet basic human needs such as having water/sewer services, more space for residential homes to alleviate over-crowding, more economic development opportunities and [to face] naturally occurring gradual erosion.

By 2004, much of the studies that were needed as required by government regulation were done on a site and other alternatives chosen by the people in a voting process. Because the government has realized the potential impacts of climate disruption, the preferred site chosen by the people appears to no longer be viable because of a flood prediction study done by the University of Alaska-Fairbanks.

So, not only do we need the government and the courts to be making decisions for our short-term needs for the safety of our people, but we also need our government to be making sound long-term decisions regarding climate change. It is for people like us who are in the frontlines living with the realities of climate disruption and many others all over the world who need government leaders to take action now. Because of the rapid changes to the environment, we can only get out of Mother Nature's way. We can't push back on a rapidly advancing train, no one can.

On the other hand, we can't realistically expect government to be making sound decisions for us. They have too much economic interest in this issue even at the United Nations level. For

instance, the United States would not be making decisions keeping places like Bolivia or the Maldives, least of all Kivalina, in mind and neither would China.

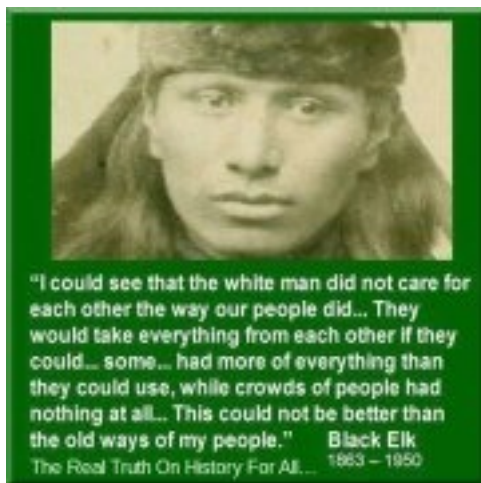
Our only hope is in the courts where politics cannot be allowed to come into play. If people don't see that, there is no hope for anyone, not even for the rich. Everyone's going to have to come back down to earth and create their own survivability or eat rubber and drink crude oil. And that's not even mentioning ocean acidification, "climate change's evil twin" as some have called it.

LT: Christine Shearer, can you describe the specifics of the lawsuit the inhabitants of Kivalina brought?

Christine Shearer: Kivalina is eroding is because of warming Arctic temperatures - sea ice now forms later and later in the year, leaving the shoreline unfrozen and vulnerable to erosion from fall storms. In 1992, Kivalina residents voted to move, and in 2003 and 2006, US government reports said Kivalina had to be relocated within the next 10 to 15 years, due to erosion from warming temperatures.

In 2008, Kivalina filed a public nuisance claim of unreasonable harm against ExxonMobil and 23 other large fossil fuel companies for their relocation costs. They also charged a smaller subset with conspiracy and concert of action for creating a false debate around climate change - Kivalina's representation includes some lawyers that had been involved in both sides of the tobacco lawsuits.

Under public nuisance law, you can hold people or companies accountable that make a "meaningful" or "substantial" contribution to a harm. The 24 fossil fuel companies were chosen for being among the world's top greenhouse gas emitters, while a smaller subset face claims of conspiracy and concert of action for going - in lawyer Luke Cole's words - "above and beyond" in their efforts to try and mislead people about the science on climate change.



So, following the logic of the lawsuit: The companies are substantial contributors to the harm now facing Kivalina, and many of the companies knew of the harm they were creating and tried to deal with it not by cutting back on emissions, but by misleading people to maintain their business. Kivalina is therefore seeking damages - the cost of their needed relocation.

LT: Your book focuses heavily on the fossil fuel industry's promotion of misinformation on climate change. What makes that particularly relevant to Kivalina's situation?

Christine Shearer: With Kivalina, multiple US government reports stated that the community's shoreline was destabilizing due to warming Arctic temperatures. And yet at the same time, the George W.

Bush Administration was questioning global warming and doing things like trading out government research on climate change reports for privatized research funded by fossil fuel companies and supporters. And documents have been unearthed suggesting that research was designed not to advance the science, but to sow doubt and confusion.

So there is evidence pointing to a deliberate attempt to mislead people about climate change, even as climate change grew worse and put people in danger, like the residents of Kivalina. The disinformation efforts arguably helped delay a much-needed policy response toward mitigation (lessening greenhouse gas emissions), as well as the response toward adaptation, which is absolutely critical for Kivalina's safety.

Today we are paying the price for that delay, and coastal Arctic communities are particularly vulnerable, in part because they have few options for evacuation from large storms. Just last year a "superstorm" hit the Arctic and nearly flooded Kivalina, and all they could do was make evacuation in a school a few feet above sea level and wait and hope.

LT: What does the recent dismissal of Kivalina's lawsuit mean for the future of climate change lawsuits?

Christine Shearer: The Kivalina lawsuit argued that fossil fuel companies could be held responsible for damages from climate change under federal public nuisance law. Kivalina's claim was dismissed in 2009 and appealed.

The appeals court ruled this year that Kivalina's federal claim was "displaced" by the Clean Air Act - in other words, since the Environmental Protection Agency (EPA) is beginning to move forward with implementing greenhouse gas regulations, any plaintiffs claiming harm from climate change must look to federal regulations like the Clean Air Act and not to the federal common law of public nuisance, for a remedy.

The decision largely relied upon a 2011 Supreme Court case, *American Electric Power Co. v. Connecticut*, in which states filed a federal public nuisance claim against utilities to lessen greenhouse gas (GHG) emissions; the states went to the courts because the EPA under Bush/Cheney would not issue GHG regulations. By the time the court case reached the Supreme Court, however, the EPA was moving toward regulating emissions, so the Supreme Court ruled that the states' claim was displaced by federal regulations. But Kivalina is seeking damages, not abatement, and there is no mechanism within the Clean Air Act to recoup the sort of damages Kivalina is facing.

Kivalina's lawyers have therefore filed for a rehearing, pointing to a 2008 Supreme Court case, *Exxon Shipping Co. v. Baker*, in which a federal common law damages claim was not displaced by the federal Clean Water Act.

This could have large implications for any future cases seeking federal damages from climate change, as it may cut off one of the few routes available - federal public nuisance - for holding fossil fuels companies accountable for deliberately misleading people about climate change. Claims could still be filed under state law.

LT: Are there any federal relocation/adaptation policies that assist Kivalina residents now facing complete disaster? If so, how do they work?

Christine Shearer: Currently, there is no official relocation policy in the US and no national adaptation strategy. After storms began seriously eroding Kivalina, an emergency declaration was made that helped lead to funding for a sea wall to protect the residents.

The people of Kivalina still need to relocate, and right now they are trying to piece together their relocation within existing disaster management and coastal armament policies that have not been updated to reflect the reality of climate change and its effects, particularly its radical effects on the Arctic.

But we are starting to see more and more movement in this area - more communities and political representatives acknowledging climate change and the need to prepare for it. After another year of increasing droughts, superstorms, record-high temperatures and raging fires, it is becoming harder to deny climate change, and that is one thing that gives me hope - that it shakes more of us into action, finally. But we cannot forget that people in the Arctic have been facing the effects of climate change for a long time and need to be central as we start really dealing with this problem.

POOP REQUEST

Lost City Farm is starting a one acre urban farm (Lost City Farm) in downtown Reno and are in desperate need for manure (horse, cow, alpaca, etc.) If you have some and are willing to delivery it to their farm (off Center St.) they would sure appreciate it. Their plan is to do our first planting this spring and we need to amend the soil before we can do that so the more poop the better.

Please email at lostcityfarm@gmail.com if you are interested in helping. For more information about the project go to <http://www.lostcityfarm.com/>

And also like/friend them on Facebook pretty please. - Thanks!!!

You have to see it to believe it. Remember, this is regular life in Banff, Alberta, Canada.
Click: [BBC One](#)

[Keystone Pipeline Goes Forward as Texas Court Ditchers](#)

William Boardman, News Report: Michael Bishop was ready for his day in court against TransCanada's Keystone XL pipeline, which is under construction in East Texas and approaching his homestead. The only trouble was—the court wasn't ready. By the time TransCanada's attorneys and Bishop, the former Marine representing himself,

showed up at the Nacogdoches County Court on Dec. 19 to argue Bishop's claim that TransCanada's defrauded landowners like himself was enough to halt construction of the pipeline's southern leg, [READ](#) | [DISCUSS](#) | [SHARE](#)

Aha! Some new skills and now I can send my New Year's greeting to you. Yes, a repeat from last year.....because not everyone "got" the joy in living last year. sdc

"When you realize how perfect everything is you will tilt your head back and laugh at the sky." - Buddha ~ ♥ ~

