

Members Speak Out

Debating whether adequate consultation has occurred



The November/December 2016 cover story, “Beyond the Permitting” generated some mixed feedback from our members. Following are some emails we received, several of which came from authors who requested anonymity.

“As professionals in the environmental field, we have been watching this conflict closely. The divisiveness of this issue has prompted many people in our field to take and defend particular points of view about the Native American and allied protesters, when what we really should be doing is discussing whether or not the federal framework designed to deal with cultural resources was followed as intended. As the authors suggest, the Section 106 Process of the National Historic Preservation Act of 1966, a process that was designed to bring all interested parties together to consult on a project until they reach consensus, was not followed.

The Section 106 Process is a series of decision-making steps carried out by the interested parties (Native American tribes, federal agencies, oil and gas companies, etc.) through a consultation process. This process is driven by a lead federal agency and is intended to end with a satisfactory negotiated resolution

being reached among the interested parties. What is a satisfactory negotiated resolution? Simply put, it means all the parties involved come to consensus about the tradeoff between the development of the project and the effect that it may have on the places where the consulting groups hold cultural attachment.

In the case of Dakota Access Pipeline, we have to ask, “Has adequate consultation occurred?” Based on recent events, it appears that adequate consultation did not occur, at least not in the opinion of the Native American community affected by the project.”

- Anonymous

“A social license for an energy project will always have detractors. Those fringe environmentalists who believe we can succeed as a society with no new drilling, no coal being dug, no wind powering generators, no solar panels providing electricity, and no natural gas or propane. They will always protest any project that comes along. To better serve the membership, the IRWA shouldn’t throw a professional right of way organization that worked diligently to acquire the easements for this project under the proverbial bus.”

- Anonymous

“I read the IRWA article “Beyond the Permitting” with great interest. It is one of few articles pointing out “what went wrong” on a project. Looking forward to the new Social Ecology Course 225.”

- Deanna Loewenhagen, SR/WA

“I can’t begin to list all the mistakes and assumptions by the engineers and developers on this project! Having worked on a 600-mile underground project through seven tribal lands, I am very familiar with the regulations from the Department of Interior and the Bureau of Indian Affairs. For too long, the cultural environmental regulations have been ignored or laughed at. Time to put a stop to that kind of thinking.”

- Dana D. Abney, SR/WA

“I wanted to let you know how much I enjoy your magazine. I like that it’s available digitally as well. My favorite part of the November/December issue was the Beyond the Permitting piece and the CEO column referencing the new communication model. I’m new to the industry, and your publication has helped me understand the world of infrastructure just a little better. Keep up the great work!”

- Lou Ricca, Cardno