

May 13, 2016

Greetings Tribal Members,

*We are submitting this letter out of dire concern for our tribe and future generations. Over the past several years, we have been involved in various justice issues, including environmental. In this, we have seen many critical situations occurring throughout numerous tribal communities across this nation as the oil and gas industry continues to expand their goals of oil and gas extraction and transport. We had hoped that we would have more time to prepare; however, we feel that the issue is now of such importance that it is time to bring this to the attention of our entire tribe.*

Increasingly, tribes across this nation are faced with environmental concerns as the oil and gas industry's processes for extracting and moving oil and natural gas are directly affecting the well-being of both the environment and the tribal people who live in those communities.

As you all are aware, Oklahoma has seen an extreme increase in the number of earthquakes in the past 3 years. Of the opinions on what could be causing such an increase in earthquake activity, some studies have tied hydraulic fracturing to said increase. Hydraulic fracturing, or fracking, is a method in which natural gas is extracted from the shale formations thousands of feet under the ground surface by a process in which millions of gallons of water, mixed with sand and a concoction of toxic chemicals are sent down a pipe that has been drilled deep into the shale at a high velocity, causing fractures in the shale, which then releases the gas. It is the fracturing of the shale that is believed to be contributing to increased seismic activity.

Whether you believe this to be true or not, the fact remains that there are still a number of reasons to be concerned with hydraulic fracturing - one of the concerns being the amount of fresh water necessary for each well. During the hydraulic fracking process, methane gas may also leach out and contaminate nearby water wells. Water wells located near hydraulic fracking sites contain 17x the methane as water wells not located in close proximity. As a result, in some places, homeowners are able to literally light their tap water on fire. Additionally, it takes 2-8 million gallons of fresh water to drill one hydraulic fracking well. With the recent pattern of drought in Oklahoma and in other parts of the country, using fresh water for this purpose is not wise.

Methane can not only leach into nearby water sources, the methane that results from hydraulic fracking can be damaging in other ways. In Greenbrier County, Arkansas, the community experienced an increase in hydraulic fracking wells and also experienced earthquake swarms.

Along with this, those living in close proximity to fracking sites experienced symptoms that included nosebleeds, skin rashes, and respiratory issues. Farm animals and pets experienced loss of fur.

The second concern is the fracking wastewater that results from this process. The fracking waste contains numerous toxic chemicals such as Benzene along with heavy metals and radioactive materials from far beneath the Earth's surface. The fracking wastewater that is recovered from these types of wells is placed in a holding pond, which is a man-made pond that is lined with material in which to hold the wastewater until a time that the wastewater is removed by truck. In the past few years, Oklahoma has had patterns of drought. We are still considered to be under drought conditions despite having experienced severe flooding throughout the state last year. We should be concerned with any potential flooding that could cause overflow of the frack wastewater, which could eventually reach our water sources and soil.

Most recently, as reported in a Common Dreams May 2<sup>nd</sup> 2016 article Texas Floods Sending Toxic Fossil Fuel Runoff into Public Waters, in Houston, Texas, flooding sent both crude oil and toxic chemicals into Texas waterways. The article notes that "new evidence is mounting that spills from oil wells and fracking sites increase when water levels rise". The article then goes on to mention "**In other areas, cattle that drank the fracking fluid actually died an hour after drinking it.** There are potential carcinogens that can lead to leukemia, brain cancer, and other endocrine disruptors that can affect premature births. So, it is not good to drink frack wastewater."

Then we come to the question of what happens to the fracking wastewater itself once a well is complete. Normally, oil and gas companies inject wastewater into injection wells, or they have to pay to dispose of their frack wastewater; however, there have been multiple incidents of oil and gas company workers illegally dumping frack wastewater on roadways or into storm sewers. In 2010, Exxon Mobil's subsidiary company XTO had pulled the plug on a wastewater tanker that held fracking waste, spilling 75,000 gallons of the waste into the soil at the well site.

Equally shocking, on May 5, 2015, Climate Progress reported that due to the drought in California, oil companies have found a way to profit from fracking wastewater by selling it to farmers for \$30 a barrel per acre. It was reported that due to drought conditions, out of desperation, the farmers were using the toxic wastewater to water agricultural crops.

As a tribe, we must not only consider how these issues affect our communities, we must be proactive in protecting families, our water and land by insuring that our tribal oil and gas leases as well as any agricultural leases prohibit hydraulic fracking, the dumping of frack wastewater, and the usage of frack wastewater in any crops grown under those leases. While there are a few tribes who have passed tribal legislation banning fracking, we have yet to see these actions take on full momentum in Indian country.

Additionally, thought must be put into how fracking and increased earthquake activity may impact both our tribal housing units through the Absentee Shawnee Housing Authority and homes that are not ASHA homes and whether or not we have processes in place to assist those whose homes suffer damage. Furthermore, we should be aware that in other parts of the nation, some community developers have created home developments in which the land that the communities were built upon was not solely owned by the homebuyers. Upon the purchase of the home, the homebuyers soon learned that the home developer had retained the mineral rights to the land under the home and then sold the mineral rights to an oil and gas company. The homebuyers were then subject to hydraulic drilling just yards away from their home, not only significantly lowering the property value, but also putting the homebuyer's health in danger from the leached chemicals and the methane gas. We must insure that any land that ASHA tribal homes are built upon is not built upon any land in which a third party retains the mineral rights under those homes.

The next issue that we want to bring to your attention is crude oil pipeline that is being proposed for construction through the Little Axe community, more specifically, the Plains All-America Pipeline Red River II Project. It is our understanding that this pipeline may either pass through AST individual allotted land or very near AST individual land and possibly homes. Because the processes for approval of permits for such projects on state and local levels have changed drastically in the past few years, it is basically impossible to obtain specific information. The processes are not transparent and seem to be in favor of the oil and gas companies. We should add that in other parts of the nation, we have seen an increase in not only lack of transparency for the pipeline projects, but also the taking of non-Indian land by use of eminent domain.

The concerns surrounding the issue of crude oil pipelines is, like fracking, they bring their own set of dangers to the communities through which they are built. Crude oil contains hundreds of substances that include benzene, chromium, and mercury, just to name a few. Below is a list of health hazards associated with these toxins:

Short-term exposure to high levels of benzene by breathing or eating affects the central nervous system and can cause paralysis, coma, convulsions, dizziness, sleepiness, rapid heart rate, tightness of the chest, tremors, and rapid breathing. Long term exposure can lead to leukemia.

Swallowing small amounts of chromium (VI) can cause unconsciousness, convulsions, vomiting, diarrhea, dizziness, and abdominal pain. Breathing high levels of chromium (VI) can irritate the nose and cause nosebleeds, ulcers, holes in the nasal septum, and asthma attacks. Swallowing large amounts can cause kidney and liver damage and death.

Exposure to high levels of mercury and mercury compounds can cause mercury poisoning, which can cause death or permanently damage the brain and kidneys. This brain damage can cause tremors, hallucinations, psychosis, changes in vision or hearing, memory problems, loss of appetite and weight, and irritability.

It is a fact that pipelines are not completely safe. From 1986 to 2013, there were over 3 million gallons of crude oil spilled in nearly 8,000 separate pipeline incidents nationwide. This averages to about 76,000 barrels of crude oil spilled per year. One particular disaster is the incident in Mayflower, Arkansas in 2013 in which an ExxonMobile pipeline emptied 210,000 gallons of heavy crude into the city of Mayflower, causing 22 homes to be evacuated. People living in homes surrounding the evacuation area were told they could stay; however, those who were immediately exposed and many of those who were told they could stay continued to suffer from dizziness, headaches, nausea and vomiting. The long-term effects of this particular exposure are unknown.

As stated earlier, the proposed crude oil pipeline project that is being planned to cross through the Little Axe community will be done by a the company Plains All-American Pipeline. It is important to know that this company has had 10 serious crude oil spills in four states, including Texas, Louisiana, Oklahoma and Kansas, according to the EPA. Also, between June 2004 and September 2007, 273,000 gallons of crude oil were discharged by various pipelines owned by Plains All-American, some of which ended up in rivers, lakes and oceans.

Plains All-American is also responsible for a massive crude oil spill of over 105,000 gallons along the coast of Santa Barbara, CA in May of 2015. According to the Los Angeles Times, Plains All-American has 175 safety and maintenance code violations which include: pump failure, equipment malfunction, and pipeline corrosion and operator error. With such a track record for spilling hundreds of thousands of gallons of crude oil along with its toxic chemicals, allowing

such a pipeline to cross our community and water sources is a huge risk to not only us, but to future generations.

The probability of such a disaster as that which has occurred in the communities of Mayflower, Arkansas and Santa Barbara, California is exacerbated by the fact that Oklahoma is experiencing an increasing number of earthquake activities. On May 5<sup>th</sup>, 2015, the United States Geological Society and the Oklahoma Geological Society issued a rare earthquake warning for Oklahoma, in which the risk of a damaging earthquake, greater than 5.0, has significantly increased for central Oklahoma.

Water is vital to our very existence in not only our everyday life, but in our tribal customs as well. Should a situation occur in which the water sources in the Little Axe area become contaminated by hydraulic fracking, crude oil pipeline spillage, or both, the ability to operate our L.A. Resource center Elder Nutrition Program, our new tribal daycare, our tribal clinic and our tribal casino could be greatly impacted – not to mention the individual water wells of our tribal families. We simply cannot take the risk of allowing this company, nor any other company, to place such a pipeline, nor fracking, in any part of our tribal community.

We should also be cautious about pipeline companies that contact our tribe with the promise of jobs, as ultimately, the benefits of these mostly temporary jobs do not outweigh the benefit of protecting our water and land. The offering of these jobs usually serves to create division in communities as one side then supports proposed pipelines and the other side opposes them, thus creating weakness in the community's power to protect themselves while increasing the company's opportunity to build these toxic mechanisms.

Now, more than ever, we need our current and any future tribal leadership to come together for this common cause for our children and those yet to be born. We also need our OEH program, Realty program and Cultural Preservation program, Tribal Attorney and the Absentee Shawnee Housing Authority's assistance in this matter. In the March Regular Executive Committee Meeting, we presented sample tribal resolutions banning fracking, the dumping of frack waste water and usage of frack wastewater on agricultural crops along with the banning of crude oil pipelines. It is our hopes, for the sake of our community, that we all will give serious consideration and into the need to protect our water, lands and way of life. As a people, we all have a vested interest in this.

We have held a series of small community meetings at the Little Axe Resource Center in hopes of bringing awareness to these matters, not only to our tribal members but also to the non-tribal community as well. If you are interested in learning more about this and would like to be

added to our contact list so that we can inform you of any future meeting dates, please contact us at the email address below. We will also distribute flyers with any future meeting information.

Respectfully,

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