

# How to Protect Native Women, Girls, and People in Humboldt & Del Norte County as Offshore Wind Enters the Region: MMIP Prevention Planning and Recommendations

June 21, 2023

Report by Yurok Tribal Court, authored by Katherine Katcher & Chief Judge Abby Abinanti

## Executive Summary

As offshore wind development occurs in the Northern Coast of California, concerns have grown about the safety of Native women, girls, and people in the region. Given the historical and present day crisis of sex trafficking and Missing and Murdered Indigenous people in California and the United States, special attention, prevention planning, and agreements are needed to ensure the safety of Native people in the region.

California has the fifth largest MMIP Caseload, and Northern CA is the epicenter for these cases. A 120-Year survey of California MMIP cases found that one in five of the state's cases are from Humboldt County.<sup>1</sup> Since the Gold Rush, tribes in California have lost countless women, girls and two-spirit individuals to violence. Most commonly, these crimes are perpetrated by non-Indians and away from tribal jurisdictions.

The port development projects will bring hundreds, if not thousands, of workers from outside the region to work on a range of projects including: wind farms, port development, electricity transmission and onshore upgrades. While this development is potentially good for the local economy and to address the climate and energy catastrophes, there is a great risk of harm to Native people, particularly women and girls. This development is also coming at a time where Native communities in Northern California are being hit harder than any other community by the fentanyl crisis, making young women and girls particularly vulnerable.<sup>2</sup>

This memo examines how to prevent MMIP and sex trafficking during a development boom, based on research of best practices as well as discussion with key advocates in the MMIP policy space. From the research, we can conclude that there must be a strong, comprehensive community benefit agreement in place between local Tribes and the corporations profiting from development.<sup>3</sup> The community benefit agreements must be multi-faceted, covering prevention, education, and response. This includes agreements with the community as well as agreements to adopt and implement critical corporate policies. There must be (1) agreement to hold pre-development impact assessment meetings with Native communities to hear from and share information with Native communities; (2) agreement that the company hold ongoing and regular meetings with Native Communities to share and receive information; (3) agreement to conduct

---

<sup>1</sup> <https://www.times-standard.com/2020/08/23/2588961/>

<sup>2</sup> <https://www.capradio.org/articles/2023/04/03/roundtable-explores-solutions-to-fentanyl-crisis-in-california-native-american-communities/>

<sup>3</sup> See Kathleen Finn, Erica Gajda, Thomas Perin, and Carla Fredericks, "Responsible Resource Development and Prevention of Sex Trafficking: Safeguarding Native Women and Children on the Fort Berthold Reservation". 40 Harv. J.L. & Gender 1: Colorado Law Scholarly Commons, 2017, [Responsible Resource Development and Prevention of Sex Trafficking: Safeguarding Native Women and Children on the Fort Berthold Reservation \(colorado.edu\)](https://www.coloradolaw.com/scholarly-commons/2017/01/responsible-resource-development-and-prevention-of-sex-trafficking-safeguarding-native-women-and-children-on-the-fort-berthold-reservation/)

extensive background checks on all employees, to the full extent permitted under law to reduce the chances of people with sex offenses coming to the region to prey on Native women, girls and people; (4) agreement to monitor and ensure safety in employee housing; (5) agreement to ensure that Tribal people and vulnerable populations living on/near port development site have access to transportation; (6) agreement to tag company and worker vehicles so that all new cars and drivers in the region can be properly identified; (7) agreement to conduct employee training on Native people and the culture of local Tribes as well training on preventing human trafficking; (8) agreement to coordinate with and support stronger law enforcement in the region; (9) agreement to support victim services and social services programs to respond to any increase in crime and victimization; (10) agreement to source employees locally and to invest in local workforce development. The community benefit agreement should also mandate that the company have or adopt corporate policies to prevent MMIP and trafficking. This includes adopting (1) a best practice compact from the United Nations or World Bank, (2) policies that ensure board oversight of community relations, human rights, and social performance, (3) a strong code of conduct for all employees, (4) a mandate that corporate partners and contractors are in compliance with all of the same policies and (5) strong whistleblower protections.

## **HISTORY & PRESENT DAY: THE PROBLEM OF MMIP & SEX TRAFFICKING OF NATIVE WOMEN, GIRLS, AND PEOPLE DURING DEVELOPMENT BOOMS**

Development projects on or near Tribal communities in the United States, Canadian, and globally, have brought both economic opportunity and an increase in MMIP, violent crime, drug abuse, and sex trafficking of Native women and children.<sup>4</sup> There are examples of this phenomenon from all over the world and across history. A recent example comes from a 2017 article in the Harvard Journal of Law & Gender studied extraction projects near the Fort Berthold Reservation in North Dakota.<sup>5</sup> During the period of development near Fort Berthold, there were more murders, fatal accidents, sexual assaults, domestic disputes, drug busts, gun threats, and human trafficking cases than in any year before.<sup>6</sup> And over a two-year period, the tribe's court system saw its caseload grow by over 2,000%. In Canada, the National Inquiry on Missing and Murdered Indigenous Women and Girls found that "work camps, or 'man camps,' in Canada, associated with the resource extraction industry (were) implicated in higher rates of violence

---

<sup>4</sup> Kathleen Finn, Erica Gajda, Thomas Perin, and Carla Fredericks, "Responsible Resource Development and Prevention of Sex Trafficking: Safeguarding Native Women and Children on the Fort Berthold Reservation". 40 Harv. J.L. & Gender 1: Colorado Law Scholarly Commons, 2017, [Responsible Resource Development and Prevention of Sex Trafficking: Safeguarding Native Women and Children on the Fort Berthold Reservation \(colorado.edu\)](#)

<sup>5</sup> Kathleen Finn, Erica Gajda, Thomas Perin, and Carla Fredericks, "Responsible Resource Development and Prevention of Sex Trafficking: Safeguarding Native Women and Children on the Fort Berthold Reservation". 40 Harv. J.L. & Gender 1: Colorado Law Scholarly Commons, 2017, [Responsible Resource Development and Prevention of Sex Trafficking: Safeguarding Native Women and Children on the Fort Berthold Reservation \(colorado.edu\)](#)

<sup>6</sup> Kimberly N. Mitchell, "Man Camps, Oil Pipelines, and MMIW: How United States V. Cooley is a False Victory for Indigenous Tribes". Vermont Journal of Environmental Law, [Man Camps, Oil Pipelines, and MMIW: How United States v. Cooley is a False Victory for Indigenous Tribes \(vermontlaw.edu\)](#)

against Indigenous women at the camps and in the neighboring communities.”<sup>7</sup> The Canada Inquiry found that “Increased crime levels, including drug- and alcohol-related offenses, sexual offenses, and domestic and ‘gang’ violence, have been linked to ‘boom town’ and other resource development contexts.”<sup>8</sup>

There are myriad of reasons that development projects on or near Tribal communities exacerbate the crisis of MMIP and result in increased rates of violence and trafficking. While this memo seeks to focus on solutions, a brief overview of the causation factors is critical to understanding how to create prevention plans. These causation factors include: (1) complex jurisdictional issues among federal, state, and Tribal governments that make policing, prosecution, and the protection of Tribal people more difficult, making Native people, especially those living on reservations, easier targets;<sup>9</sup> (2) “man camp culture” which exacerbates isolation, mental illness, drug and alcohol abuse, violence, misogyny, and racism among the men living there;<sup>10</sup> (3) man camp conditions, location, and lack of regulation, on or in close proximity to Indigenous communities but with the anonymity of a “shadow population” of transient men;<sup>11</sup> and (4) most rural communities do not have sufficient law enforcement, victim services, and other support needed for the influx of workers in the community, the rise in crime, and the increased number of calls for service.<sup>12</sup>

These are just some of the many documented issues that lead to an increase in MMIP when development takes place. From a solution-oriented perspective, and as the Harvard researchers point out, *one of the major issues is that all of these underlying dynamics exist, and there is no prevention plan in place to protect Native people, before, during and after extraction and development projects.*<sup>13</sup> Adding to concern about MMIP and trafficking for this particular development project in Humboldt County, and putting even more importance on the need of a prevention plan is that the company that has been selected to develop the Port of Humboldt

---

<sup>7</sup> “Our Mandate, Our Vision, Our Mission”. National Inquiry into Missing and Murdered Indigenous Women and Girls, [Our Mandate, Our Vision, Our Mission | MMIWG \(mmiwg-ffada.ca\)](https://www.mmiwg-ffada.ca)

<sup>8</sup> “Our Mandate, Our Vision, Our Mission”. National Inquiry into Missing and Murdered Indigenous Women and Girls, [Our Mandate, Our Vision, Our Mission | MMIWG \(mmiwg-ffada.ca\)](https://www.mmiwg-ffada.ca)

<sup>9</sup> Kimberly N. Mitchell, “Man Camps, Oil Pipelines, and MMIW: How United States V. Cooley is a False Victory for Indigenous Tribes”. Vermont Journal of Environmental Law, [Man Camps, Oil Pipelines, and MMIW: How United States v. Cooley is a False Victory for Indigenous Tribes \(vermontlaw.edu\)](https://www.vermontlaw.edu/man-camps-oil-pipelines-and-mmiw-how-united-states-v-cooley-is-a-false-victory-for-indigenous-tribes)

<sup>10</sup> “Missing & Murdered Indigenous Persons (MMIP) & Pipeline Mancamps”. Pipeline Fighters Hub, [Missing & Murdered Indigenous Persons & Pipeline Mancamps | Pipeline Fighters Hub](https://www.pipelinefightershub.com/missing-and-murdered-indigenous-persons-and-pipeline-mancamps)

<sup>11</sup> “Missing & Murdered Indigenous Persons (MMIP) & Pipeline Mancamps”. Pipeline Fighters Hub, [Missing & Murdered Indigenous Persons & Pipeline Mancamps | Pipeline Fighters Hub](https://www.pipelinefightershub.com/missing-and-murdered-indigenous-persons-and-pipeline-mancamps)

<sup>12</sup> Zuya Winyan Wicayuonihan, “Honoring Warrior Women, A Study on Missing and Murdered Indigenous Women and Girls in States Impacted by the Keystone XL Pipeline”. Sovereign Bodies Institute & Brave Heart Society, [6b33f7 27835308ecc84e5aae8ffbdb7f20403c.pdf \(filesusr.com\)](https://www.filesusr.com/6b33f727835308ecc84e5aae8ffbdb7f20403c.pdf)

<sup>13</sup> Kathleen Finn, Erica Gajda, Thomas Perin, and Carla Fredericks, “Responsible Resource Development and Prevention of Sex Trafficking: Safeguarding Native Women and Children on the Fort Berthold Reservation”. 40 Harv. J.L. & Gender 1: Colorado Law Scholarly Commons, 2017, [Responsible Resource Development and Prevention of Sex Trafficking: Safeguarding Native Women and Children on the Fort Berthold Reservation \(colorado.edu\)](https://www.colorado.edu/responsible-resource-development-and-prevention-of-sex-trafficking-safeguarding-native-women-and-children-on-the-fort-berthold-reservation)

Bay, Crowley Maritime Corporation, has a problematic track record on related issues.<sup>14</sup> Crowley Maritime Corporation is a global logistics, maritime and energy solutions company that has entered an agreement with the Port of Humboldt Bay to exclusively negotiate to build and operate the terminal.<sup>15</sup> Crowley Maritime Corporation is currently facing multiple lawsuits by former female employees alleging sexual assault and sex trafficking.<sup>16</sup> According to the two different plaintiffs, the company ignored concerns about a particular employee who harassed and assaulted both women; the sex trafficking complaints stem from one of them allegedly having to travel internationally with her assaulter, despite her raising these issues with the company.<sup>17</sup> She claims that the company allowed the trip to go ahead with an employee known to be a “sexual predator”, according to her lawyers.<sup>18</sup> Given these allegations and current lawsuits, it is even more critical that Crowley make commitments with the Native and local community to prevent MMIP, assault, and trafficking during the port development projects.

## **SOLUTION AND PLANNING: COMMUNITY BENEFIT AGREEMENTS TO PREVENT MMIP & SEX TRAFFICKING**

The single most promising solution and strategy to mitigate the impact of development projects on Native communities and tribes and to prevent MMIP and trafficking is the creation of strong, multi-faceted, and comprehensive community benefit agreements (CBAs). These agreements must be developed to ensure that companies have proper plans and protocols in place. Canada’s MMIWG inquiry recommends that developers and the communities have a CBA in place *prior* to approval of a development contract. Notably, even though Crowley has already been selected to develop the Port of Humboldt, the lease currently does not include a community benefit agreement.

This section provides a description of the key policies that should be included in any CBA with Crowley and future developers of the port and offshore wind projects. While these policies and practices are largely focused on the agreements that the developer corporations must make, some may also pertain to local governments. There is an opportunity for Tribal leaders and the community working group looking at these issues to also engage with local government to make certain commitments with the community. For example, the counties of Humboldt and Del Norte, as well as the cities where development will occur, need to invest in additional law enforcement, to provide mandatory trainings to all law enforcement on prevention of sex trafficking and MMIP, and commitments to support Native people and vulnerable communities in the region as

---

<sup>14</sup> <https://www.crowley.com/news-and-media/press-releases/eureka-crowley-celebrate-new-office-to-advance-renewable-energy-in-california/>

<sup>15</sup> <https://www.crowley.com/news-and-media/press-releases/eureka-crowley-celebrate-new-office-to-advance-renewable-energy-in-california/>

<sup>16</sup> See <https://www.tradewindsnews.com/law/crowley-maritime-faces-fresh-legal-claim-over-office-sexual-predator-/2-1-1431116> and <https://www.firstcoastnews.com/article/news/crime/second-woman-files-federal-sex-trafficking-lawsuit-against-crowley-maritime/77-4f1850d6-ddcf-407f-82e7-11a9b39f1060>

<sup>17</sup> Id.

<sup>18</sup> Id.

development comes in. These recommendations are related to and run parallel with the recommendations for the developer corporations.

**Based on international and U.S. based research and studies, as well as discussions with local tribal advocates, the following are key recommendations for CBA requirements:**

1. **Agreement to Have Pre-Development Meetings with Tribal Leaders, Tribes, and Native Communities to create a MMIP & trafficking prevention plan.** The Harvard Law & Gender Journal found that initial meetings are critical to have a MMIP prevention plan in place. The meetings should be designed by the company and Tribes to examine the impact of proposed development on health and safety of the Native community.<sup>19</sup> In Canada, a positive example of this is with Trans Mountain, a company that is working on a pipeline in British Columbia.<sup>20</sup> Prior to beginning its pipeline work, Trans Mountain met extensively with communities where construction would occur prior to construction—to “gather information about Indigenous social experiences during construction, including those relating to worker accommodation, worker conduct, as well as Indigenous social and cultural well-being.”<sup>21</sup> The company also held meetings with local governments and service agencies.<sup>22</sup> In these meetings, there was an exchange of information; while the indigenous communities, Tribes, and local agencies shared information with Trans Mountain, the company also provided information about the number of employees working on the project and where they would live in each community.<sup>23</sup>
2. **Agreement to Have Ongoing, Regular Meetings with Native Communities to Monitor Impact of Development.** Research shows that community meetings and coordination must not only be a part of the pre-development stage; they must be a part of an ongoing practice for the developers.<sup>24</sup> Ongoing meetings provide an avenue for individuals, business partners, and local aid groups to discuss concerns, ask questions,

---

<sup>19</sup> Kathleen Finn, Erica Gajda, Thomas Perin, and Carla Fredericks, “Responsible Resource Development and Prevention of Sex Trafficking: Safeguarding Native Women and Children on the Fort Berthold Reservation”. 40 Harv. J.L. & Gender 1: Colorado Law Scholarly Commons, 2017, [Responsible Resource Development and Prevention of Sex Trafficking: Safeguarding Native Women and Children on the Fort Berthold Reservation \(colorado.edu\)](https://colorado.law.harvard.edu/scholarly-commons/works/responsible-resource-development-and-prevention-of-sex-trafficking-safeguarding-native-women-and-children-on-the-fort-berthold-reservation)

<sup>20</sup> Lori Culbert, “Indigenous women vulnerable to ‘man camps’: MMIWG report. So, What’s at stake with the pipeline approval?”. Vancouver Sun, 2019, [Indigenous women vulnerable to "man camps": MMIWG report | Vancouver Sun](https://www.vancoursun.com/news/indigenous-women-vulnerable-to-man-camps-mmiwg-report)

<sup>21</sup> Lori Culbert, “Indigenous women vulnerable to ‘man camps’: MMIWG report. So, What’s at stake with the pipeline approval?”. Vancouver Sun, 2019, [Indigenous women vulnerable to "man camps": MMIWG report | Vancouver Sun](https://www.vancoursun.com/news/indigenous-women-vulnerable-to-man-camps-mmiwg-report)

<sup>22</sup> Lori Culbert, “Indigenous women vulnerable to ‘man camps’: MMIWG report. So, What’s at stake with the pipeline approval?”. Vancouver Sun, 2019, [Indigenous women vulnerable to "man camps": MMIWG report | Vancouver Sun](https://www.vancoursun.com/news/indigenous-women-vulnerable-to-man-camps-mmiwg-report)

<sup>23</sup> Lori Culbert, “Indigenous women vulnerable to ‘man camps’: MMIWG report. So, What’s at stake with the pipeline approval?”. Vancouver Sun, 2019, [Indigenous women vulnerable to "man camps": MMIWG report | Vancouver Sun](https://www.vancoursun.com/news/indigenous-women-vulnerable-to-man-camps-mmiwg-report)

<sup>24</sup> Kathleen Finn, Erica Gajda, Thomas Perin, and Carla Fredericks, “Responsible Resource Development and Prevention of Sex Trafficking: Safeguarding Native Women and Children on the Fort Berthold Reservation”. 40 Harv. J.L. & Gender 1: Colorado Law Scholarly Commons, 2017, [Responsible Resource Development and Prevention of Sex Trafficking: Safeguarding Native Women and Children on the Fort Berthold Reservation \(colorado.edu\)](https://colorado.law.harvard.edu/scholarly-commons/works/responsible-resource-development-and-prevention-of-sex-trafficking-safeguarding-native-women-and-children-on-the-fort-berthold-reservation)

and report suspicious or illegal activity. Ongoing meetings also allow corporations, local government, and Tribes to better identify and respond to issues or gaps in real time. The development companies involved can also continue to address and build upon their human rights or human trafficking policies, given the needs of the community and any negative impacts of the development that occur over time.

3. **Agreement to Address MMIP and Trafficking in corporate/Tribal communications plan.** In addition to the initial and regular meetings between the developer and Tribal communities, the two should come together to create communications plan to address these issues, should any concerns arise. The communications plan should include very clear direction for who is responsible at the company to respond to real-time concerns and issues in the community, as well as contacts for each of the major Tribes in the region.
4. **Agreement to Conduct Extensive Background Checks.** The Harvard Law & Gender Journal article found that corporations should expand their use of background checks within the hiring process.<sup>25</sup> This is also a key tenet of a community benefit agreement identified by Judge Abby Abinanti of the Yurok Tribe, who has extensive experience working on MMIP prevention. The Harvard researchers found that “companies could play a significant role both by controlling whom they hire and by requiring employees to comply with local and Tribal laws on registration and disclosure.”<sup>26</sup> Judge Abinanti recommends that strong background checks should limit the employment of sex offenders to the strongest extent allowed under the law, as this particular population is of great concern to Native women, children, and people.
5. **Agreement to Monitor and Ensure Safety In Employee Housing.** Man camps typically are makeshift housing sites established for industry workers, and there is, traditionally, little regulation, oversight, and access to emergency services for people living at these camps.<sup>27</sup> Some of the camps consist of collections of trailers that do not have addresses, do not appear on maps, do not have connections to phone, internet, or cell services, and are not easily accessible to emergency services.<sup>28</sup> As part of the CBA,

---

<sup>25</sup> Kathleen Finn, Erica Gajda, Thomas Perin, and Carla Fredericks, “Responsible Resource Development and Prevention of Sex Trafficking: Safeguarding Native Women and Children on the Fort Berthold Reservation”. 40 Harv. J.L. & Gender 1: Colorado Law Scholarly Commons, 2017, [Responsible Resource Development and Prevention of Sex Trafficking: Safeguarding Native Women and Children on the Fort Berthold Reservation \(colorado.edu\)](#)

<sup>26</sup> Kathleen Finn, Erica Gajda, Thomas Perin, and Carla Fredericks, “Responsible Resource Development and Prevention of Sex Trafficking: Safeguarding Native Women and Children on the Fort Berthold Reservation”. 40 Harv. J.L. & Gender 1: Colorado Law Scholarly Commons, 2017, [Responsible Resource Development and Prevention of Sex Trafficking: Safeguarding Native Women and Children on the Fort Berthold Reservation \(colorado.edu\)](#)

<sup>27</sup> Kathleen Finn, Erica Gajda, Thomas Perin, and Carla Fredericks, “Responsible Resource Development and Prevention of Sex Trafficking: Safeguarding Native Women and Children on the Fort Berthold Reservation”. 40 Harv. J.L. & Gender 1: Colorado Law Scholarly Commons, 2017, [Responsible Resource Development and Prevention of Sex Trafficking: Safeguarding Native Women and Children on the Fort Berthold Reservation \(colorado.edu\)](#)

<sup>28</sup> Kathleen Finn, Erica Gajda, Thomas Perin, and Carla Fredericks, “Responsible Resource Development and Prevention of Sex Trafficking: Safeguarding Native Women and Children on the Fort Berthold Reservation”. 40 Harv. J.L. & Gender 1: Colorado Law Scholarly Commons, 2017, [Responsible Resource](#)

the corporations must commit to taking an active role in ensuring employees have access to proper housing on arrival in the region; employees must be able to provide and maintain documentation of their current address.<sup>29</sup> Additionally, the company should ensure that all of the areas where employees are housed have access to emergency services.<sup>30</sup>

6. **Agreement to Ensure that Tribal people and vulnerable populations living on/near port development sites have access to transportation.** The port sites being developed along the Northern Coast are isolated, and yet within these areas that will be booming with new workers, there are low income housing facilities who will be surrounded by the largely male workforce. Women, children and people in these housing developments currently lack access to public transportation. There needs to be a public transportation plan for this population to get to/from home safely, to reduce their vulnerability risks. For example, there needs to be an increase in public transportation services to peninsula communities.
7. **Agreement to Tag Company and Worker Vehicles:** An Amnesty International Investigation on MMIP and development found that vehicle tagging would improve community safety; every company vehicle should have a decal on it, to take anonymity away from transient workers.<sup>31</sup> With mandated vehicle decals, if a car is seen picking up a community member or speeding through town, the car's identification can be tracked and reported.<sup>32</sup> The developer company should also publicize its policy for vehicle tagging and provide a mechanism for community members to relay concerns about any particular company vehicle in the region.
8. **Agreement to Conduct Employee Training.** Research shows that employee training should be twofold: one part on Indigenous culture and humility and one part on preventing human trafficking and sexual assault. In Canada, advocates working to prevent MMIP where development is taking place have argued that it is critical for companies to engage in community-specific cultural humility training that teaches

---

[Development and Prevention of Sex Trafficking: Safeguarding Native Women and Children on the Fort Berthold Reservation \(colorado.edu\)](#)

<sup>29</sup> Kathleen Finn, Erica Gajda, Thomas Perin, and Carla Fredericks, "Responsible Resource Development and Prevention of Sex Trafficking: Safeguarding Native Women and Children on the Fort Berthold Reservation". 40 Harv. J.L. & Gender 1: Colorado Law Scholarly Commons, 2017, [Responsible Resource Development and Prevention of Sex Trafficking: Safeguarding Native Women and Children on the Fort Berthold Reservation \(colorado.edu\)](#)

<sup>30</sup> Kathleen Finn, Erica Gajda, Thomas Perin, and Carla Fredericks, "Responsible Resource Development and Prevention of Sex Trafficking: Safeguarding Native Women and Children on the Fort Berthold Reservation". 40 Harv. J.L. & Gender 1: Colorado Law Scholarly Commons, 2017, [Responsible Resource Development and Prevention of Sex Trafficking: Safeguarding Native Women and Children on the Fort Berthold Reservation \(colorado.edu\)](#)

<sup>31</sup> Anya Zoledziowski, "Wet'suwet'en Isn't Just About a Pipeline, but Keeping Indigenous Women Safe". Vice, 2020, [t'suwet'en Isn't Just about a pipeline. It's Also About Keeping Indigenous Women Safe and preventing MMIW \(vice.com\)](#)

<sup>32</sup> Anya Zoledziowski, "Wet'suwet'en Isn't Just About a Pipeline, but Keeping Indigenous Women Safe". Vice, 2020, [t'suwet'en Isn't Just about a pipeline. It's Also About Keeping Indigenous Women Safe and preventing MMIW \(vice.com\)](#)

temporary workers how to respect the Indigenous communities they are engaging with.<sup>33</sup> The Harvard researchers point to the example of groups like Truckers Against Trafficking which provide employee education and training on human trafficking and sexual assault, allowing their employees to better identify and report illegal activity.<sup>34</sup> There are many ways to bring this education into the new workforce; it is critical that this be mandated as part of the CBA.

9. **Agreement to Coordinate with and Support Stronger Law Enforcement in the region.** It is critical that companies work with local and Tribal law enforcement to develop and fund a public safety plan. The Harvard researchers found that “engaging in and maintaining regular dialogue with local law enforcement would allow companies to better understand the impact of their activities on the community.”<sup>35</sup> The Harvard researchers also found, and local Tribal advocates attest, that in rural areas of the country, local agencies do not have the capacity to keep pace with increases in population and crime that come with new development and workers in the region.<sup>36</sup> In Humboldt County, law enforcement is already stretched thin and the Native community often has to wait more than an hour for an officer to attend to a crisis call. Given the inevitable increase in crime and sex trafficking, there will be a need to increase law enforcement to monitor bars, hotels, clubs, and casinos, which are hot spots for human trafficking. As part of the CBA, *developer companies should directly invest in and fund an increase in law enforcement to support local communities.* This would mean additional officers in city and county law enforcement to patrol at night, especially in high crime areas like tribal casinos, to take crisis and emergency calls, and to respond to those calls quickly.
10. **Agreement to Support Victim Services & Social Services.** The Canadian National Inquiry found that “social infrastructure must be expanded and service capacity built to meet the anticipated needs of the host communities in advance of the start of projects. This includes ensuring that policing, social services, and health services are adequately

---

<sup>33</sup> Anya Zoledziowski, “Wet’suwet’en Isn’t Just About a Pipeline, but Keeping Indigenous Women Safe”. Vice, 2020, [t’suwet’en Isn’t Just about a pipeline. It’s Also About Keeping Indigenous Women Safe and preventing MMIW \(vice.com\)](https://www.vice.com/en/article/wetsuweten-isnt-just-about-a-pipeline-but-keeping-indigenous-women-safe)

<sup>34</sup> Kathleen Finn, Erica Gajda, Thomas Perin, and Carla Fredericks, “Responsible Resource Development and Prevention of Sex Trafficking: Safeguarding Native Women and Children on the Fort Berthold Reservation”. 40 Harv. J.L. & Gender 1: Colorado Law Scholarly Commons, 2017, [Responsible Resource Development and Prevention of Sex Trafficking: Safeguarding Native Women and Children on the Fort Berthold Reservation \(colorado.edu\)](https://coloradolawcommons.org/works/1000)

<sup>35</sup> Kathleen Finn, Erica Gajda, Thomas Perin, and Carla Fredericks, “Responsible Resource Development and Prevention of Sex Trafficking: Safeguarding Native Women and Children on the Fort Berthold Reservation”. 40 Harv. J.L. & Gender 1: Colorado Law Scholarly Commons, 2017, [Responsible Resource Development and Prevention of Sex Trafficking: Safeguarding Native Women and Children on the Fort Berthold Reservation \(colorado.edu\)](https://coloradolawcommons.org/works/1000)

<sup>36</sup> Kathleen Finn, Erica Gajda, Thomas Perin, and Carla Fredericks, “Responsible Resource Development and Prevention of Sex Trafficking: Safeguarding Native Women and Children on the Fort Berthold Reservation”. 40 Harv. J.L. & Gender 1: Colorado Law Scholarly Commons, 2017, [Responsible Resource Development and Prevention of Sex Trafficking: Safeguarding Native Women and Children on the Fort Berthold Reservation \(colorado.edu\)](https://coloradolawcommons.org/works/1000)



staffed and resourced.”<sup>37</sup> The Harvard researchers also recommended that companies provide financial support to victim services, women’s shelters, or community foundations that can provide aid and assist in developing long term solutions to the problem of human trafficking in the area.<sup>38</sup> As part of the CBA, the corporation should be required to donate to support the social and victim services infrastructure in the region.

11. **Agreement to source employees locally and to invest in local workforce development.** Best practice to prevent MMIP and the influx of workers from outside the region is to hire locally. To mitigate the negative impacts of industrial camps, the developer company should prioritize local hiring and minimize the use of short-term or transient workers. The Harvard study also recommends that companies specifically hire self-identified survivors of human trafficking, women, and those vulnerable to being trafficked. This removes the financial need that can make victimization or revictimization more likely.<sup>39</sup> The CORE Hub has recognized the importance of local workforce development; a Subcommittee on Workforce Development has been established as part of the CORE Hub which has further, specific recommendations on building an equitable workforce as part of development.
12. **Agreement to Adopt Corporate Policies to Prevent MMIP and Sex Trafficking.** The Harvard study recommends that companies adopt policies for responsible development, some that are even specific to respecting Indigenous communities and cultures. However, the study makes this recommendation with the caveat that policies are only as strong as their implementation and enforcement.<sup>40</sup> Developers could adopt the following policies:
  - a. **The Universal Declaration of Human Rights (“UDHR”).** The UDHR primarily addresses governmental responsibilities towards the rights of citizens and does not clearly create any responsibilities for businesses. However, adoption of the UDHR is, at minimum, a recognition of the rights to liberty and security of persons that may be impacted by the activities of corporate employees.
  - b. **The United Nations Guiding Principles on Business and Human Rights** create what may be the clearest set of specific duties that companies have with

---

<sup>37</sup> “Reclaiming Power and Place”. National Inquiry Into Missing and Murdered Indigenous Women and Girls, [EXEC cover \(mmiwg-ffada.ca\)](#)

<sup>38</sup> Kathleen Finn, Erica Gajda, Thomas Perin, and Carla Fredericks, “Responsible Resource Development and Prevention of Sex Trafficking: Safeguarding Native Women and Children on the Fort Berthold Reservation”. 40 Harv. J.L. & Gender 1: Colorado Law Scholarly Commons, 2017, [Responsible Resource Development and Prevention of Sex Trafficking: Safeguarding Native Women and Children on the Fort Berthold Reservation \(colorado.edu\)](#)

<sup>39</sup> Kathleen Finn, Erica Gajda, Thomas Perin, and Carla Fredericks, “Responsible Resource Development and Prevention of Sex Trafficking: Safeguarding Native Women and Children on the Fort Berthold Reservation”. 40 Harv. J.L. & Gender 1: Colorado Law Scholarly Commons, 2017, [Responsible Resource Development and Prevention of Sex Trafficking: Safeguarding Native Women and Children on the Fort Berthold Reservation \(colorado.edu\)](#)

<sup>40</sup> Kathleen Finn, Erica Gajda, Thomas Perin, and Carla Fredericks, “Responsible Resource Development and Prevention of Sex Trafficking: Safeguarding Native Women and Children on the Fort Berthold Reservation”. 40 Harv. J.L. & Gender 1: Colorado Law Scholarly Commons, 2017, [Responsible Resource Development and Prevention of Sex Trafficking: Safeguarding Native Women and Children on the Fort Berthold Reservation \(colorado.edu\)](#)

respect to human rights. 60 Companies that have adopted the UN Guiding Principles take on the responsibility to “address adverse human rights impacts with which they are involved.” In addressing violations, the UN Guiding Principles lay out a clear path for corporations to follow, first assessing and identifying the human rights risks created both by their own operations and by other parties linked to them through business relationships, then creating and executing a plan to minimize or mitigate those risks.

- c. **The United Nations Global Compact (“the Compact”)** is an initiative that encourages companies to act strategically and responsibly to support the people and communities in which they operate and to report annually on those efforts. Specifically relating to the issues of human trafficking and Indigenous rights, the principles of the Compact state that “Businesses should support and respect the protection of internationally proclaimed human rights” and “make sure that they are not complicit in human rights abuses.”
  - d. **World Bank’s Operational Policy and Bank Procedure on Indigenous Peoples** commit to a system of “free, prior, and informed consultation” with indigenous groups that also requires companies to formulate an action plan to “avoid, minimize, mitigate, or compensate for” the adverse effects of their operations.
13. **Agreement to Ensure Board Oversight of the CBA and all Corporate Social Policies.** Board oversight is critical to ensure that any policies that are adopted *are enforced and implemented*. Of the fifty-two companies surveyed in its Indigenous Rights Risk Report, First Peoples Worldwide found that only four had Board oversight of community relations, human rights, or social performance. Increasing (or establishing) oversight could encourage implementation of preventive policies, rather than relying only on after-the-fact damage control. The CBA should mandate Board oversight.
14. **Agreement to Create and Share an Employee Code of Conduct.** The Harvard study found that corporations should act to deter criminal conduct by their employees with the adoption of policies on community responsibility and employee conduct, along with strict enforcement of those policies. In Canada, TransMountain has adopted a code of conduct for all of its employees which covers: harassment, respectful behavior, lawfulness, drugs and alcohol, violence and possession of weapons.<sup>41</sup> While criminal enforcement is limited, corporations have the ability to reprimand or terminate employees who engage in harmful conduct. This is particularly important for Crowley Maritime Corporation, who is facing a lawsuit for allegedly not terminating an employee who was harming women, and allowing him to continue in this position. The CBA should mandate the development of an employee code of conduct and it should be shared with Tribal communities.

---

<sup>41</sup> Lori Culbert, “Indigenous women vulnerable to ‘man camps’: MMIWG report. So, What’s at stake with the pipeline approval?”. Vancouver Sun, 2019, [Indigenous women vulnerable to "man camps": MMIWG report | Vancouver Sun](#)

15. **Agreement to Apply the Employee Code of Conduct to Corporate Partners and Contractors.** Any employee code of conduct should extend to contractors, subcontractors, corporate partners, to the extent appropriate under law.
16. **Whistleblower protections.** As part of the CBA, the company must have a policy that protects employees, contractors, and corporate partners from coming forward to report a violation of company policy, state, and/or federal law. This protection should prevent any and all retaliation, including such actions as firing or laying off, demoting, denying overtime or promotion, or reducing pay or hours.

## **Conclusion**

Development is coming to the Humboldt and Del Norte Coast, areas with some of the highest concentrations of Native communities in the state. Native women, girls, and people have a long history of being harmed and exploited at the hands of mostly male workers who make up “man camps”. Without deliberate, thorough planning that brings the developers to the table with Tribal leaders and activists to create Community Benefit Agreements, a crime, MMIP, and sex trafficking boom feels almost inevitable. Yet there is hope: research shows that, with proper agreements and plans in place, development projects can both provide jobs and ensure safety of the local Native community. The lease for development of the Humboldt Bay Offshore Wind & Heavy Lift Multipurpose Marine Terminal is set to be signed by the end of 2023, with construction to begin by 2030. The lease currently does not include a community benefit agreement. There is an opportunity to act now to create a strong community benefit agreement that ensures the safety of Native people.