



White Earth Reservation Tribal Council

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September 18, 2017

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DISTRICT III

Eugene "Umsy" Tibbets

Governor Mark Dayton

130 State Capitol

75 Rev. Dr. Martin Luther King Jr. Blvd.

St. Paul, MN 55155

Dear Governor Dayton:

I am writing on behalf of the White Earth Reservation Tribal Council to request your assistance in assuring that a certified final and adequate Environmental Impact Statement (EIS) be provided to the tribes that have intervened as parties in the proceedings involving Enbridge's proposed Line 3 pipeline, and to the public at large, before the commencement of the contested case proceedings. As you are aware, five federally recognized Chippewa tribal governments have intervened in the Enbridge Line 3 pipeline replacement proceedings now pending before the Minnesota Public Utilities Commission (PUC). The fundamental concern of the tribal governments has been the failure of state government agencies to fairly recognize and respect our natural resource and other sovereign rights across northern Minnesota. The obvious environmental degradation resulting from the construction of the proposed new pipeline corridor development across important aquatic resources, together with Enbridge's proposed pipeline abandonment plan across other important aquatic resources, is a major concern of the White Earth Nation. Furthermore, the expedited review of the EIS process ordered by the PUC essentially guarantees that the environmental review for this large energy project will not be given the meaningful attention it deserves.

In a September 11, 2017 press release, the Minnesota Department of Commerce (DOC) announced the following: "After extensive review, Minnesota Commerce Department releases expert analysis and recommendation on the certificate of need for Enbridge's proposed Line 3 oil pipeline project. Oil market analysis indicates that Enbridge has not established a need for the proposed project; the pipeline would primarily benefit areas outside Minnesota; and serious environmental and socioeconomic risks and effects outweigh limited benefits." The White Earth Nation shares these same beliefs about the proposed Line 3 project.

Additionally, we are concerned that a wide range of tribal concerns about the pipeline project may have been omitted from the EIS according to Danielle Oxendine Molliver, the tribal liaison that was brought on by the Minnesota DOC.¹ Accordingly, we are requesting that a certified final and adequate EIS be provided to the tribes and the public followed by a meaningful time to prepare for any contested case proceedings.

We are aware of pending motions to reschedule the present contested case evidentiary proceedings for Line 3 and see no reason to rush to judgment under the present circumstances. Additionally, various Intervenor Chippewa tribes are developing a collaborative Cumulative Impact Assessment for the Line 3 project which will include a public comment period and public hearings to present, collect and address tribal health and natural resource data, which we believe is essential to inform the state process. The Tribal Cumulative Impact Assessment will include health data on suicide, the opioid epidemic, substance abuse, domestic violence, and crime which will be reported in the context of the historical trauma our communities have endured, together with the present-day injustices to which we are still subject. The Tribal Cumulative Impact Assessment will demonstrate that the inequities we endure are exacerbated to an unacceptable degree, and that the suggested mitigation measures of the proposed pipeline project are entirely inadequate presently and for the foreseeable future.

Considering the totality of the circumstances, and for all of the reasons described above, we are requesting that a certified final EIS with adequacy determination be provided to the tribes and the public before any contested case proceedings begin with regard to the Line 3 Replacement project.

Sincerely,

A handwritten signature in black ink, appearing to read "Terrence Tibbetts", written over a horizontal line.

Terrence Tibbetts
Chairman

¹ See TRIBAL LIAISON IN MINNESOTA PIPELINE REVIEW IS SIDELINED AFTER OIL COMPANY COMPLAINS TO GOVERNOR, by Alleen Brown, August 12 2017, 7:55 a.m. <https://theintercept.com/2017/08/12/tribal-liaison-in-minnesota-pipeline-review-is-sidelined-after-oil-company-complains-to-governor/>