



Pipeline Update by Winona LaDuke 12/30/2020

Aniin it's Winona LaDuke with your pipeline update report, so in an amazingly swift action on December 24th at the Minnesota Public Utilities Commission rejected the motions of the Red Lake and White Earth bands to "stay," the Line 3 Enbridge Construction. The opinion was issued within 2- two hours of the filings of the Public Utilities Commission.

In turn, Red Lake and White Earth nation joined by Honor the Earth and the Sierra Club filed both a legal challenge, the Army Corps of Engineers for, "404 permit," on Christmas Eve filing in Federal Courty in Washington, D.C., with Red Lake, White Earth, Honor the Earth and the Sierra Club vs. The Army Corps of Engineers.

The plaintiffs that also filed a request for a preliminary injunction based on the lack of a formal Environmental Impact Statement (EIS) by the Army Corps. The Army Corps had actually relied on the State Environmental Impact Statement (EIS), which continues to be challenged by the plaintiffs.

As you may recall, in August of 2020, the White Earth Band, Red Lake, Honor the Earth and other organizations filed an appeal to the Certificate of Need permit. That appeal was also joined by the Department of Commerce. So you have litigation underway to overturn the permits, which then became active. The grounds include a lack of a spill analysis of Lake Superior, omission of climate related impacts of the Enbridge project. And the lack of a full cultural assessment and finally, the lack of any meaningful assessment of alternatives, including a no build option, those are all required under law.

The tribes have been rebuffed twice now by the Minnesota Public Utilities Commission. And I think that's something that wants to look at how the PUC treats the tribes, the plaintiffs that be as represented by Earthjustice. That's a national environmental advocacy organization which has been lead counsel for the Dakota Access Pipeline case. They noted the merits of the August 2020 appeal by Red Lake and White Earth nations, the Department of Commerce, to overturn the certificate of need and permits that would need to be heard before construction is completed.

If there's any real intent upon serving justice, in other words, and we're just trying to get the whole pipeline in before we get to court, that's to say that the Minnesota Court of Appeals is scheduled to hear the case to overturn both the certificate of need and the route permit.

The plaintiffs argue that Enbridge's work to complete the project or bring it to a near completion before the actual case is heard. This is a challenge to the merits of the project and it should be stopped. That's why we want us today.

So Enbridge has been aggressively moving ahead. If you haven't noticed, they're heading directly for the rivers, try to complete the river crossings as early as possible in this time. They have a workforce of of 4200 hundred people, primarily out of state pipeline workers that have moved into northern Minnesota. Minnesota does not have 4200 Union pipeline workers. As of last week one of those pipeline workers died in Hill City when a forklift backed over him. Enbridge in a big hurry.

The project itself, as you may know, is intended to cross 800 wetlands and 227 bodies of water, most water intensive pipeline project ever built, and it's crossing areas of the 1855 and 1863 treaty territories treaty territories of the Pembina, Red Lakes and Mississippi Bands of Anishinaabe as well as the Pillager.

The November 23rd approval by the Army Corps of Engineers for the Clean Water Act Section 404 permit to discharge dredged and filled material into the waters is being challenged.

Along with that permit, the Minnesota Department of Natural Resources issued permits to Enbridge to discharge over 630-million gallons of water caused the destruction of endangered species throughout the State will receive approximately \$2.3-million from Enbridge, although the is who actually approved the permits. Some questions might be asked by our tribes, like how did the DNR get the right to do all of that without any consultation with us?

A similar case in court on the Dakota Access pipeline is in federal court today with an amicus filed by the states of Massachusetts, California, Connecticut, Delaware, Illinois, Maine and others all seeking to overturn the permits for the DAPL pipeline. The federal court found that the Army Corps of Engineers had violated the National Environmental Policy Act and issuing the permits and ordered the Dakota Access pipeline closed down.

Energy Transfer Partners and the State of North Dakota have proceeded with the pipeline, despite the court closure with further negotiations. The point is that there's no pipeline in Minnesota, and if the court is to have a meaningful review of the project, the plaintiffs of the state would need to have a data court. That's likely to be a March and April. So until then, the tribes are acting for a stay in order that the damages which are can be stopped. So the point of this is, is that it looks like we're going to have to hold our ground for 30 arrests in so far. The most recent arrest in Backus, Minnesota, where a young woman named Emma Harrison was up in a tripod. Twenty two people are arrested at the Palisade site. A couple of us tribal members, Dawn Goodwin and myself, were cited with trespassing by the Department of Natural Resources and Aitkin County for going to our own lodge. So the long arc of justice might need some help.

Corporate interests are prevailing over people and the Walz Administration is clear that the PUC has consistently disregarded sovereign nations and this is a time when Governor Waltz, instead of taking native people for granted, could do something like hold up for justice.