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PO Box 418
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1855 TREATY AUTHORITY

RICE LAKE ♦ LEECH LAKE ♦ MILLE LACS ♦ SANDY LAKE ♦ WHITE EARTH

August 7, 2015

Honorable Mark Dayton, Governor
Office of the Governor
116 Veterans Service Building
20 W 12th Street
Saint Paul, Minnesota 55155

Re: Notice of 2015 wild rice harvesting season

Dear Governor Dayton,

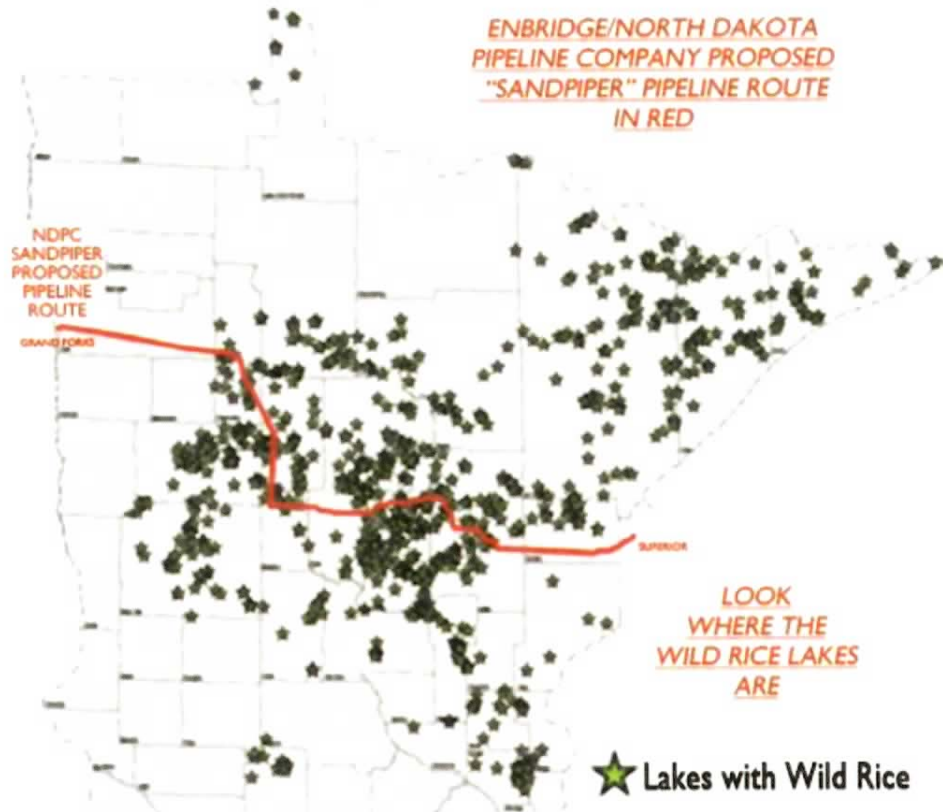
Please find enclosed a copy of the 1855 Treaty Authority Resolution No. 2015-01 giving Notice for the 2015 Off-Reservation wild rice season. Please also find a copy of our 1855 Treaty Authority Petition to the Department of Interior and Bureau of Indian affairs with regard to environmental protection of our treaty protected ceded territories. 1855 Chippewa Treaty rights legal support is well established by the 1999 *Mille Lacs* decision by the United States Supreme Court and the more recent *Operation SquareHook* federal court decision in 2013, subsequently upheld by the Eighth Circuit Court of Appeals in 2015.

In fact, the most on-point, direct analogy of our 1855 Treaty rights would be the 1854 Treaty, because both the Chippewa of Mississippi and Lake Superior were signatories, all treaties are recorded as federal statutes (laws), and both were conducted within 3 months of each other (sister treaties). The State of Minnesota has long recognized the Off-Reservation usufructuary property rights and has been compensating 1854 bands via the Tri-Band Agreement for nearly 30 years. As such, to briefly outline our virtually identical environmental and political concerns, we are attaching a copy of the letter from Fond du Lac Chairwoman Karen Diver to Burl Harr of the Minnesota Public Utilities Commission dated September 29, 2014, explaining our ceded territory usufructuary rights, Enbridge's lack of consultation and their history of oil spills and safety problems.

TREATY WITH THE CHIPPEWA, 1855.

FEB. 22, 1855. | 10 STAT., 1165. | RATIFIED MARCH 3, 1855. | PROCLAIMED APR. 7, 1855.

It has been reported in the news that the Governor's office denied that Canadian tar sands oil is being diverted and transported through northern Minnesota wild rice, lakes and rivers country. It has become apparent through the Minnesota Public Utilities Commission (PUC) process that without tribal and public citizens involvement, the PUC would just be giving away our most precious environmental resources and allowing a new Enbridge pipeline route through the treaty ceded territories, again, without any consideration for tribal consultation or consent from the Chippewa for past, present and future degradation and diminishment of our reserved usufructuary and perpetual use rights. In fact, the PUC really only invited public comment from tribal governments (unless willing to intervene) and denied that any government-to-government obligation to consult exists under your Executive Order, with tribal governments.

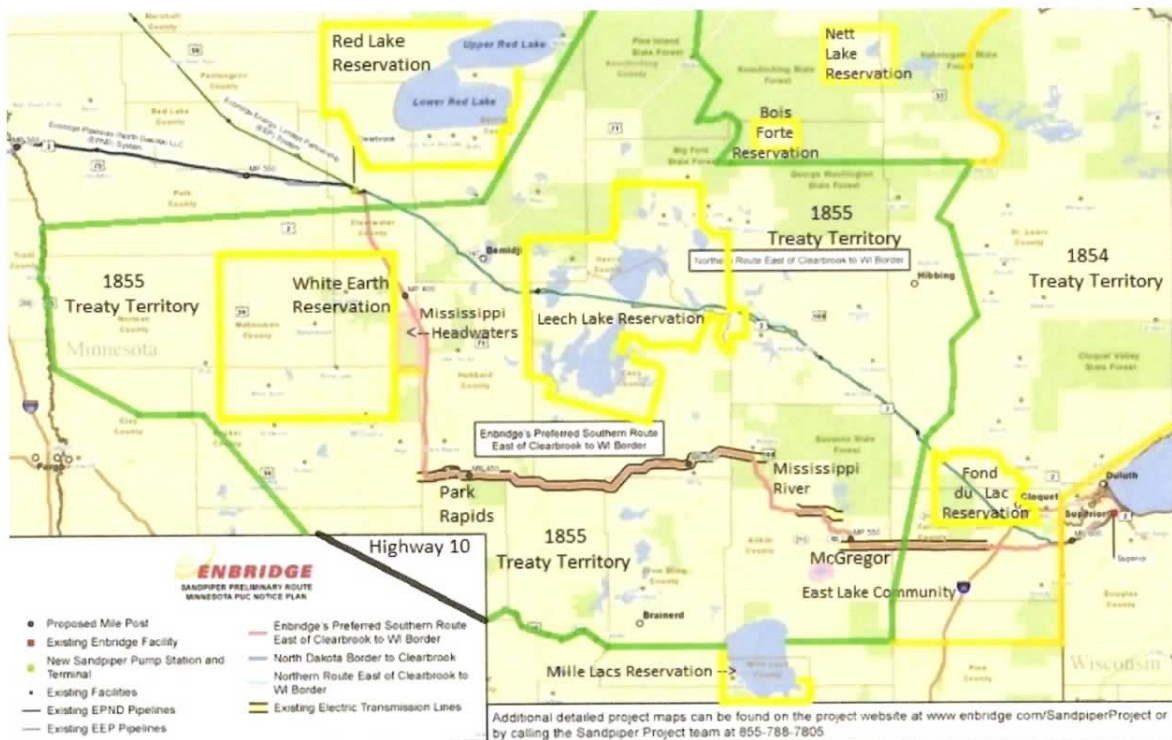


The news also reported near the close of the Session that the Governor's office was prepared to make an independent Polymet deal with legislators, to

1855 Treaty Authority Letter to:
Minnesota Governor Dayton
Re: 2015 Off-Reservation Wild Rice Season
August 7, 2015, p. 2

suspend sulfate standards for wild rice, without any consultation or consideration of our reserved harvesting and treaty rights. More recently you met with the Mille Lacs band to jointly suspend walleye fishing on Mille Lacs. We believe this problem is primarily related to on-going lakeshore and shoreline property development and that broader availability and use of all of our treaty territories' resources will provide for better ecosystem management.

From pipelines, to wild rice and walleye, the State of Minnesota does not appear to be protectively regulating the natural resources or pipelines, but rather defining acceptable levels of degradation in the land of sky blue waters for the profits of foreign corporations. Presently Minnesota has zero pipeline abandonment law and appears perfectly willing to give eminent domain to Enbridge again via the PUC, with a free ticket for abandoning hundreds of miles of pipeline across northern Minnesota's wild rice lakes and rivers. This is unacceptable.



This is our environment too, which we reserved as a place for us to be able to live, survive and *earn a modest living* forever, before Minnesota was a state, by treaties with the United States. Consequently, the State of Minnesota lacks

1855 Treaty Authority Letter to:
 Minnesota Governor Dayton
 Re: 2015 Off-Reservation Wild Rice Season
 August 7, 2015, p. 3

unilateral authority to grant consent for this ultra-hazardous and extremely-risky pipeline activity that has already proven many times, recently and over time, to fail and pollute. Before the Kalamazoo oil spill, the largest inland oil spill in the US was by Enbridge predecessor, Lakehead Pipeline into the Prairie River at Grand Rapids, Minnesota.

We have offered to meet to initiate co-management of the natural resources of the 1855 ceded territory previously, but Minnesota has continuously declined. We remain willing to meet and work towards the goal of meaningful co-management and thoughtful environmental protection of our Chippewa treaty territories. However, we can be idle no more.

For these reasons and our intrinsic Anishinabe (Chippewa) obligations to protect wild rice, we are putting the State of Minnesota on Notice with regard to our upcoming off reservation wild rice harvesting in the 1855 ceded territory. We have asked tribal members that they carry their tribal IDs in the event state conservation officers checking for state licenses, so that state conservation officers will immediately understand their state lack of jurisdiction over tribal members harvesting wild rice in Chippewa ceded territories in Minnesota. In the event State conservation officers feel the need to write state citations, we caution against seizure of any wild rice or harvesting equipment from anyone with a tribal identification card, during the short time window critical for tribal members' harvesting wild rice and an important part of earning a modest living.

We look forward to working together to cooperatively, co-manage and protect all of natural resources in our common territories, especially the freshwaters and wild rice. If you have any questions or would like to schedule discussions in the near future, please call on me at 218-203-7281 or White Earth Tribal Attorney Joe Plumer 218-556-3284. Mii gwitch.

Sincerely,



Arthur LaRose, Chairman
1855 Treaty Authority

Attachments

1855 Treaty Authority Letter to:
Minnesota Governor Dayton
Re: 2015 Off-Reservation Wild Rice Season
August 7, 2015, p. 4

cc: Erma Vizenor Chairwoman, White Earth Band of Ojibwe
Melanie Benjamin Chairwoman, Mille Lacs Band of Ojibwe
Carrie Jones, Chairwoman, Leech Lake Band of Ojibwe
Karen Diver Chairwoman, Fond du Lac Band of Lake Superior Chippewa
Norman Deschampe Chairman, Grand Portage Chippewa
Kevin Leecy Chairman, Bois Forte Band of Chippewa
Darrell Seki Chairman, Red Lake Nation
Gary Frazer, Executive Director, Minnesota Chippewa Tribe
AnnaMarie Hill, Executive Director, Minnesota Indian Affairs Council

Honorable Sally Jewell, U.S. Department of Interior
Honorable Kevin Washburn, Asst. Secretary, Bureau of Indian Affairs
Tracy Toulou, Director, U.S. Department of Justice, Office of Tribal Justice
Andrew Luger, U.S. Attorney, Department of Justice, Minnesota District
Daniel Gogal, U.S. EPA, Office of Environmental Justice
Col. Dan Koprowski, U.S. Army Corps of Engineers, St. Paul District

Minnesota Congressional Delegation:

Senator Al Franken
Senator Amy Klobuchar
Representative Timothy J. Walz
Representative John Kline
Representative Erik Paulsen
Representative Betty McCollum
Representative Keith Ellison
Representative Tom Emmer
Representative Collin C. Peterson
Representative Rick Nolan

Lori Swanson, Minnesota Attorney General
Tom Landwehr, Commissioner of MN Dept. of Natural Resources

1855 TREATY AUTHORITY
Resolution No. 2015-001

WHEREAS, the 1855 Treaty Authority is comprised of treaty beneficiary members of the 1855 Treaty between the Chippewa Indians and the United States with regard to territory that became what is now known as Minnesota; and

WHEREAS, the signatory Bands have reserved hunting, fishing, gathering and resource management rights and responsibilities in the 1855 Treaty ceded territory; and

WHEREAS, the 1855 Treaty Authority has petitioned the Department of Interior and Bureau of Indian Affairs seeking federal protection of off reservation and perpetual usufructuary use and property interests in the 1855 Treaty ceded territory, which includes numerous unimpaired waters inclusive of waters vital to the production of wild rice, the plant of supreme cultural significance to the Chippewa; and

WHEREAS, the State of Minnesota has no legal authority to regulate tribal members harvest under federal treaties or Congressional act granting limited civil or criminal jurisdiction under Public Law 83-280 (18 U.S.C. § 1162, 28 U.S.C. § 1360); and

WHEREAS, the 1855 Treaty Authority is the only tribal entity regulating off reservation harvesting by treaty beneficiaries of the 1855 Chippewa Treaty; and

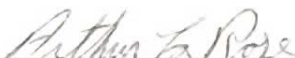
NOW THEREFORE BE IT RESOLVED, that the 1855 Treaty Authority now permits all 1855 Chippewa Treaty members to gather manoomin or wild rice on all the public waters, lakes and rivers within 1855 Treaty ceded territory; and

BE IT FURTHER RESOLVED, that the 1855 Treaty Authority requests all harvesters to carry their personal tribal identification cards in the event of state conservation challenges and the 1855 Treaty Authority is authorized take the steps necessary to legally protect the wild rice harvesting by members; and


BE IT FINALLY RESOLVED, that the Chairman of the 1855 Treaty Authority is authorized to take all steps to give formal notice of this 2015 wild rice harvesting season to the State of Minnesota.

CERTIFICATION

We do hereby certify that the foregoing resolution was duly adopted at a regular meeting of the 1855 Treaty Authority, a quorum being present, held at Onamia, Minnesota on August 5, 2015.



Arthur "Archie" LaRose, Chairman



Sandra Skinaway, Secretary-Treasurer

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1855 TREATY AUTHORITY

EAST LAKE ♦ LEECH LAKE ♦ MILLE LACS ♦ SANDY LAKE ♦ WHITE EARTH

July 15, 2015

The Honorable Sally Jewell
Secretary of the Interior
1849 C Street, N.W.
Washington, D.C. 20240The Honorable Kevin Washburn
Assistant Secretary of the Interior
1849 C Street, N.W.
Washington, D.C. 20240

Re: Petition for Environmental Protection

Dear Secretary and Assistant Secretary,

We write seeking federal protection of off reservation and perpetual usufructuary use and property interests in the 1855 Treaty ceded territory, which includes numerous unimpaired waters inclusive of waters vital to the production of wild rice, a plant of supreme cultural significance to the Chippewa. There are multiple existing, pending, and proposed oil pipeline projects within the 1855 Treaty ceded territory. We believe that an Environmental Impact Statement addressing all pending and proposed projects is required because of the off reservation and perpetual usufructuary use and property interests at risk and, in general, the risks that these projects, individually and cumulatively, pose to the natural and human environment.

The 1855 Treaty Authority and the Chippewa Tribes within the 1855 Treaty ceded territory have asserted to the State of Minnesota that the State has an obligation to meaningfully consult with the successors in interest to the 1855 Treaty for the purposes of co-management of resources when the conduct of the State (such as issuing permits for large energy projects) impacts off reservation and perpetual usufructuary use and property interests within the Treaty ceded territory. To date, the State of Minnesota has been dismissive of this position, has not engaged in any meaningful consultation with respect to attempts at co-management of resources, and has denied that it has any such obligation. We believe that the failure of the State of Minnesota to fulfill its obligations with regard to resources and public lands within the Treaty ceded territory is a deprivation and diminishment of reserved and retained usufructuary use and property rights which is impermissible and must be remedied.

On June 5, 2015, the Minnesota Public Utilities Commission (PUC) voted to grant a Certificate of Need (CN) for the Sandpiper pipeline project (Docket No. MPUC CN-13-473) as proposed by Enbridge Energy d/b/a the North Dakota Pipeline Company, LLC, which, among other things, grants eminent domain across Minnesota to the for-profit, foreign oil company for

TREATY WITH THE CHIPPEWA, 1855.

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something other than a public purpose or use. We believe that an Environmental Impact Statement (EIS) is required to address the cumulative impact of the Sandpiper pipeline, the proposed Line 3 Replacement as proposed by Enbridge Energy, the decommissioning of the existing Line 3, the increased capacity on the Enbridge Energy Alberta Clipper Pipeline at the international border crossing, and the proposed increased capacity on the Minnesota Pipeline Company, LLC Line 4 project. Consideration of these projects piecemeal is meaningless and disregards the collective harm they pose, including the global environmental impact of drilling activities, fracking, transport of crude oil, refinement of oil products, and use of the refined products. The Applicants for these projects have taken the position that the individual projects have negligible environmental impact, a position adopted by the State of Minnesota – a position which blatantly disregards the reality of oil production and consumption, and removes responsibility from the oil companies for irreparable environmental harm caused by construction and operation of these projects.

The Enbridge preferred routes for the proposed pipelines of Sandpiper and Line 3 both proceed south from Clearbrook, Minnesota, across the original 1867 treaty boundaries of the White Earth Reservation. Both projects as proposed cross the tributary rivers to the 1926 congressionally created on-reservation wild rice refuge (Rice Lake National Wildlife Refuge). The preferred routes also cross tributaries and wetlands which feed waters within the 1935 congressionally created Tamarac Wild Rice (Tamarac National Wildlife Refuge) Refuge. These congressionally created refuges were created for the exclusive use of the Chippewa in recognition of the central importance of Manoomin (wild rice) to the Anishinaabeg culture.



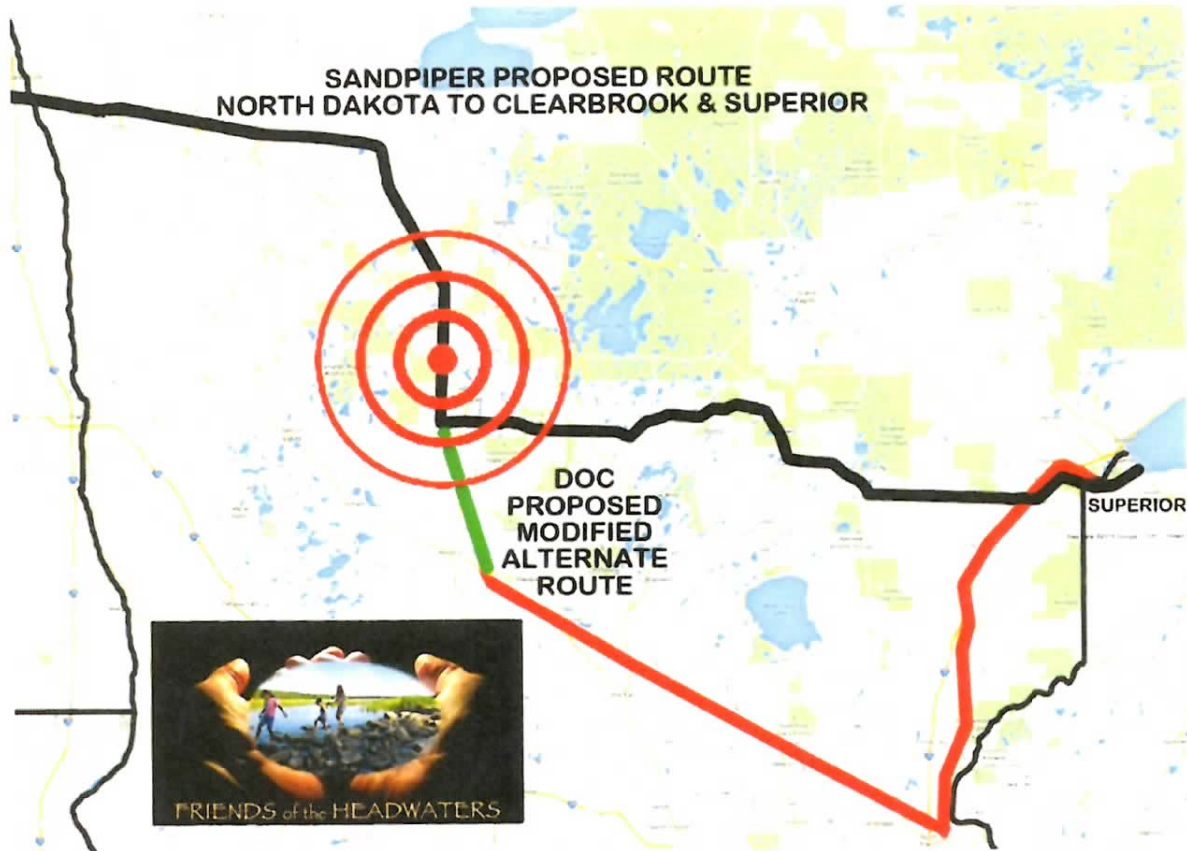
These routes also cross the headwaters of the Mississippi River. The routes selected and

preferred by Enbridge from Park Rapids to Superior Wisconsin impact wild rice and wild rice water resources, other unimpaired freshwater sources, and “greenfield” areas where pipelines have never previously been located. This new corridor endangers more wild rice rivers and lakes than the existing Enbridge “Mainline” corridor along United States Highway 2 to the north.



Several Minnesota Chippewa Tribe (MCT) reservation governments have sent correspondence directly to the Minnesota Public Utilities Commission expressing concerns about the substantial risks to the wild rice producing environment posed by the existing and proposed oil pipeline projects. Please find attached, copies of correspondence from White Earth Band, the Mille Lacs Band, and Fond du Lac Band to the Minnesota Public Utilities Commission with regard to the route of the Sandpiper pipeline, and its impacts upon the natural resources necessary to the exercise of usufructuary use rights including hunting, fishing and gathering of

wild rice. In addition, attached is a copy of the letter from the Minnesota Chippewa Tribe President Norman Deschampe to the Minnesota Pollution Control Agency with regard to wild rice sulfate standards, impacts and concerns. Two months ago, it was reported that Governor Dayton and some Minnesota state legislators were planning to suspend the sulfate standard until a new one was established, without any consultation with the directly affected Chippewa tribes, the United States Environmental Protection Agency, the United States Department of the Interior or other federal agency.



The recommendation of the Minnesota Public Utilities Commission that an “alternative route” be considered in the Routing Permit proceedings regarding the Sandpiper pipeline do not assuage the concerns of the 1855 Treaty Authority and the Chippewa Tribes over the Sandpiper pipeline, as this route largely follows the route as proposed by the North Dakota Pipeline Company through a significant portion of the 1855 Treaty ceded territory and through many of the most vulnerable natural environments identified by other intervenors opposed to the project. It is concerning that this alternative, and not an alternative that avoids this sensitive natural environment, was offered for consideration. The proposed route and the route alternative both proceed from Clearbrook, Minnesota south to Park Rapids, thus impacting many sensitive wild rice beds and waters including the protected wild rice waters within the Refuges, principally, and other sensitive natural environments.

The Minnesota Pollution Control Agency (MPCA), the state agency with direct

responsibility to enforce state and federal environmental laws, had the following comment with respect to the PUC's designated "alternative route" for the Sandpiper pipeline:

Perhaps the most problematic aspect of the design of this proposed route is the continued expansion of terminal capacity at the Clearbrook location. Any pipelines that are built to transport material out of the Clearbrook terminal are forced to enter the largest concentration of lakes, streams, and open-water wetlands in the state. Any route proposed out of Clearbrook, either south or east will cross dense expanses of open waters. A northern to eastern route from Clearbrook would cross massive wetland complexes and areas with stands of wild rice. If future, new terminals, were to be constructed in western Polk (could collect from Canada or North Dakota), Kittson (could collect from Canada or North Dakota) or even Clay counties (North Dakota) the creation of a route proposal that avoids the greatest concentration of surface waters becomes feasible.

(See MPCA Comments—Supplemental Comments Replacing MPCA Letter dated May 30, 2014, filed with PUC as Doc 20146-100780-01 at p. 15, Emphasis added).

Additionally, the White Earth and Mille Lacs bands held public hearings with regard to the Sandpiper pipeline on June 4 and June 5, respectively. The White Earth hearing was held at the Rice Lake Community Center and the Mille Lacs hearing was held at the Eastlake Community Center. A third 1935 congressionally created wild rice refuge is at Rice Lake, 5 miles south of McGregor, Minnesota. The White Earth and Mille Lacs Band governments and the Fond du Lac Band requested that the PUC not make a decision on the certificate of need decision, pending the outcome of tribal public hearings. As noted above, the PUC voted to grant the certificate of need and award Enbridge the power of eminent domain on June 5, the same day as the Mille Lacs public hearing. The state's action is typical of its disregard of the Chippewa Tribes' federally-protected interests in the path of the Sandpiper and Line 3 Replacement projects.

Presently, our pristine freshwater resources are threatened by four (4) extreme extraction related crude oil pipeline and expansion projects involving tar sands and Bakken crude, and pipeline abandonment across three major watersheds of the North American continent with significant wild rice lakes and rivers, wetlands and aquifers. Just one of the four projects, the Sandpiper pipeline, is 616 miles of Bakken crude oil pipeline that crosses two distinctly different environments (plains and aquatic), in three states served by two EPA and U.S. Army Corp of Engineers Regions, with additional environmental risks related to fracking and climate change---necessarily requires a full project length, **full cycle review**¹ of the impacts for informed, environmental decision making **before** the start of any construction.

¹ Considering all the detrimental aspects to the environment by these proposed pipeline construction and abandonment projects, the EPA should require a **Life Cycle Assessment (LCA)** <http://www.epa.gov/nrmrl/std/lca/lca.html> over and across the entire proposed project, east to west, due to the inevitable significant impacts on so many unique fresh water resources of the North American continent.

We are asking for the United States to fulfill the requirement of good faith, government-to-government relationships with Indian Tribes and the need to respect and protect as a matter of federal law the treaty reserved, usufructuary property rights to a safe and healthy ecosystem from which to hunt, fish and gather and earn a modest living, in perpetuity. As a representative of the United States, the other party to the treaties with the Chippewa, we hope that the agencies of the federal government, including the U.S. Army Corps of Engineers, will adopt and follow practices in Minnesota, parallel to the EPA as described by Bob Perciasepe in an inter-agency Memorandum dated January 8, 2013 with respect to Western Washington Tribal Treaty Rights.²

We are also aware of the recent development and publication *The Value of Nature's Benefits in the St. Louis Watershed*, a natural resource environmental valuing tool created by the Fond du Lac reservation in conjunction with the Environmental Protection Agency. The report provides documentation of a methodology (The Millennium Ecosystem Assessment, 2003) and demonstration of transferability of the method (Benefit Transfer Method) for inventorying and valuing natural resources in areas that have not been specifically inventoried and valuing these assets in economic terms that have been accepted by the USEPA.

We also believe the EIS-404 permit process conducted by the U.S. Army Corp of Engineers for the Crandon Mine-Mole Lake Band is a strong model with direct applicability to the present project. We are now proposing a joint EIS being conducted by USACE, the EPA and the various affected Minnesota Chippewa Tribe Bands natural resource departments. We believe that this process would produce a meaningful and responsible study of the aggregate environmental impacts of the several large energy projects currently planned for our immediate area.


The PUC has not issued its written order from the June 5, 2015 vote granting a certificate of need to Enbridge for the Sandpiper pipeline project, but it is expected soon. Part of the stated reasons the PUC did not consider other alternatives were perceptions by the PUC that the Minnesota Department of Natural Resources and Pollution Control Agencies lack adequate staff and time resources for the level of responsible environmental work required for the completion of an Environmental Impact Statement (EIS) in this case. While the logical response to such a concern is to focus on alternative sources for funds to conduct a responsible environmental analysis, the Minnesota PUC decided instead to skip the responsible environmental review and give the Canadian pipeline company exactly what they have been demanding. The irresponsible decision of the PUC must be corrected.

A logical conclusion is that the lack of sufficient DNR and PCA staff and resources should be the reasons to deny a certificate of need, until adequate responsible analysis can be completed. We are aware that the U.S. Army Corp of Engineers has scheduled meetings with tribes in our area about the impacts of the Sandpiper crude oil pipeline project during the third week of July, 2015. Certainly, the tribes will request that a thorough, end-to-end and full cycle EIS be conducted.

² See "Western Washington Tribal Treaty Right" by Bob Perciasepe, US/EPA memo to Region 10 Administrator and Assistant Administrators, attached in Appendix as Exhibit 1.

In conclusion, the 1855 Treaty Authority requests that the Bureau of Indian Affairs and the Department of the Interior work in conjunction with the U.S. Army Corp of Engineers, the U.S. Environmental Protection Agency and other relevant federal agencies to jointly require a responsible EIS before any construction begins on the Sandpiper pipeline project. Considering the aggregate impact of the multiple large pipeline projects planned in our immediate area, anything less would be irresponsible.

Sincerely,


Arthur LaRose, Chairman
1855 Treaty Authority

Enclosures

cc: Leech Lake Band of Ojibwe
White Earth Band of Ojibwe
Mille Lacs Band of Ojibwe
Fond du Lac Band of Chippewa
Bois Forte Band of Chippewa
Grand Portage Band of Chippewa
Minnesota Chippewa Tribe
Red Lake Band of Chippewa
Minnesota Indian Affairs Commission

Fond du Lac Band of Lake Superior Chippewa Reservation Business Committee

1720 Big Lake Rd
Cloquet, MN 55720
Phone: (218) 579-4594
Fax: (218) 876-4146

September 29, 2014



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Kevin R. Dupuis, Sr.

Executive Director
Tribal Programs
Chuck Walt

Executive Director
Enterprise
Michael Himango

Dr. Burl W. Haar
Executive Secretary
Minnesota Public Utilities Commission
121 7th Place East, Suite 350
St. Paul, MN 55101-2147

RE: Comments on the Application of Enbridge Pipelines for a Certificate of Need and Pipeline Routing Permit for the Sandpiper Project
Docket No. PL-6668/CN-13-473
Docket No. PL-6668/PPL-13-474

Dear Executive Secretary Haar

Enbridge's proposed route for its Sandpiper line traverses a significant portion of the Fond du Lac Band of Lake Superior Chippewa's 1854 ceded territory. The Band is responsible for protecting natural resources both on the reservation and within its ceded territories. The Band's concerns about the route encompass the need to protect Band self-sufficiency and cultural practices, such as harvesting wild rice within the Big Sandy Lake and Kettle River watersheds; a lack of tribal consultation on the environmental review process and identification of historically, archaeologically, and culturally significant lands; and Enbridge's demonstrated history of negligence in pipeline safety.

Self-sufficiency and cultural practices

Changes in hydrology affect wetland type, and indirectly affect wetland functions, including wildlife habitat, fisheries habitat, groundwater recharge, surface water retention, nutrient transformation, sediment retention, conservation of biodiversity, etc. The Alberta Clipper and Southern Lights projects have already impacted the Fond du Lac wetlands along the Enbridge pipeline corridor. A Geographical Information Systems (GIS) analysis reveals up to forty (40) newly developed intermittent streams since the pipelines were installed. The National Wetland Inventory (NWI) documents a wetland type change from one side of the pipeline corridor to the other, clearly showing hydrology impacts from pipeline installations. *See attached.*

The Band's subsistence lifestyle is based upon the harvest of healthy fish, game, wild rice, maple sugar, medicinal plants and forest products. We have been able to sustain this way of life because our local ecosystem is still largely intact.

Enbridge's preferred route has the potential to affect hydrology to wild rice waters within the 1854 Treaty ceded territories. Areas of noted concern to the Band include Big Sandy Lake and Kettle River watersheds; both have locations of historical and cultural significance to the Band and its members.

September 29, 2014
Letter to Dr. Burl W. Haar
Page 2

The proposed pipeline route has the potential to further permanently fragment an already-fragmented landscape. Forest and shrubland become fragmented from pipeline construction partly due to the compacted soils on top of the pipeline, which prevents forest growth through the corridor. This changes the migration patterns of the local animals, as well as impacting wetlands by creating dams that alter substrate water flow.

The Kettle River watershed is directly south of the currently-impaired wild rice stands in Wild Rice Lake. Fond du Lac Resource Management, along with various Band members, have already noticed and documented a decline in wild rice stands due to hydrology impacts by Highway 210. Efforts have already been made by Fond du Lac Resource Management to mitigate this issue; any further impacts will offset current efforts. An Environmental Impact Statement (EIS), including a thorough Hydrological Analysis, must be completed to identify future impacts from the Sandpiper project.

Tribal consultation

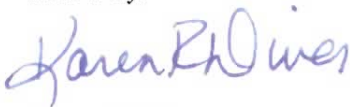
The role of the Department of Commerce in Public Utility Commission proceedings is to advocate for relevant public interest. In this case, the Department sought no tribal input, leaving a significant section of the public ignored. The Department has an obligation to consult with tribes under Minnesota Governor's *Executive Order #13-10*. The Department has not met its obligations.

Enbridge failed to follow through with negotiations with the Leech Lake and Fond du Lac Bands about the pipeline route and no agreement has been reached with the Bands. Although the Fond du Lac Band has concerns about all of Enbridge's proposed routes, the Band is particularly concerned that Enbridge's preferred route was chosen for the sole purpose of going around Indian reservations. As a result, Enbridge's proposed route fails to provide monetary compensation or legal protection to the Band, while exposing the Band to the same threats as if the route were to go directly through the reservation. Further safety considerations must be discussed given the increased volatility of Bakken crude oil.

Enbridge's demonstrated history of negligence

Enbridge pipelines failed in some way over 800 times between 1999 and 2010, resulting in close to seven million gallons of oil spilled into the environment. Given Enbridge's unfortunate history, it is particularly important that Enbridge complete a thorough EIS, and that the Department of Commerce consult extensively with tribes, before moving forward with the Sandpiper project.

Sincerely,



Karen R. Diver
Chairwoman