



February 2, 2021

President Joseph R. Biden
The White House
1600 Pennsylvania Avenue NW
United States of America
Washington, D.C. 20500

Re: Request for Executive Order to Cease Construction of Line 3

Dear President Biden:

As the elected leaders of the White Earth Band of the Minnesota Chippewa Tribe and the Red Lake Band of Chippewa Indians (the Bands), we are writing to express our appreciation for the ***January 20, 2021 Executive Order on Protecting Public Health and the Environment and Restoring Science to Tackle the Climate Crisis***. We also write you because we believe strongly that the construction of the Enbridge Line 3 replacement pipeline (Line 3), currently underway here in Minnesota, is counter to the goals and objectives of your Administration as outlined in the Executive Order, specifically:

"It is, therefore the policy of my Administration to listen to science; to improve public health and protect our environment; to ensure access to clean air and water...to hold polluters accountable, including those who disproportionately harm communities of color and low-income communities; to reduce greenhouse gas emissions; to bolster resilience to the impacts of climate change..."

As elected leaders, we wish to state clearly that the Bands never gave consent for the construction of this pipeline through our treaty lands. In fact, the Bands' governing bodies have each enacted multiple Resolutions throughout the course of the five-year regulatory process in opposition to the 338 miles of pipeline construction through the largest concentration of wild rice watersheds in the United States. Last month, the Bands jointly filed a federal suit seeking to halt the Line 3 pipeline construction. We filed a preliminary injunction in the United States District Court for the District of Columbia seeking to stay the construction of the pipeline while our appeal of the Army Corps of Engineers' grant of water crossing permits is pending. Additionally, we are jointly challenging the permits that were issued by the Minnesota Public Utilities Commission; and we have filed an emergency motion before the Minnesota Court of Appeals seeking a stay of construction until the merits of our appeals have been decided. We have strong arguments in favor of the stay of construction because the Minnesota regulatory body concluded that the harm that would be experienced by the out of state pipeline workers who would be sidelined during the appellate process is greater than the irreparable harm to the environment as a result of the continued construction. Neither tribunal has yet ruled on our motions to stay construction.

We are calling on you to respect the tribal sovereignty of the White Earth Band and the

Red Lake Band by honoring the 1837, 1842, 1854, 1855 and 1863 Treaties concluded between the Chippewa Indians and the United States, to which both Bands are beneficiaries. We ask that your Administration include Enbridge Line 3 within an Executive Order which halts pipeline construction in the first thirty (30) days of your Administration given the significant irreversible threats Line 3 poses to our environment, cultural resources, public health, and safety. We also request that the permits issued during the Trump Administration by the U.S. Army Corps of Engineers allowing the discharge dredged and fill material into our rivers and streams be rescinded; and we further request that the original Line 3 pipeline that Enbridge seeks to abandon be addressed in a manner that will not put our communities and our water at additional risk for environmental contamination that will likely occur. This is particularly important as neither the State of Minnesota nor the Federal government have existing regulations to address pipeline abandonment.

Like the Keystone XL pipeline, Line 3 also involves delivering Alberta tar sands crude oil through Minnesota to a terminal in Superior, Wisconsin, and then onto Houston, Texas where the oil will be sold into the global market. Our tribal members and our Treaty ceded territories are bearing all the risk of a pipeline spill, while the Canadian tar sands shippers and pipeline companies reap all the profits. Tar sands is the dirtiest fossil fuel in the world and Enbridge is the largest pipeline infrastructure company in the world, which currently holds the dubious distinction for causing the largest inland crude oil spill in U.S. history. Additionally, Line 3 will produce greenhouse gas emissions equal to 50 continuously-running coal plants in Minnesota, and will cross over 200 bodies of water and 800 wetland watersheds, treaty territory, and cultural resources held sacred by our Indigenous Nations. We are very concerned that 50% of the new pipeline route is a green field of pristine waters where no other pipelines exist. It is not a matter of “if” but “when” the project will degrade those waters. Enbridge has averaged one hazardous liquids incident every twenty days. Thirty of those incidents contaminated water sources. This is especially troubling for us as Enbridge’s selected route will cross over 40 wild rice watersheds, and wild rice is sacred to Tribes in Minnesota and beyond. Wild rice is critical to our food security, one of the healthiest foods still available to us, and is a central part of our traditional teachings, ceremonies and the migration story of our people. We consider these sacred wild rice watersheds to be Traditional Cultural Properties/Landscapes, and we have treated them accordingly. Unfortunately, the Minnesota tribunals have thus far been unable or unwilling to comprehend the importance of pristine waters and our Traditional Cultural Properties.

Furthermore, we assert that the Environmental Impact Statement (EIS) submitted by the Army Corps and reviewed by the State of Minnesota was inadequate and that this review process was rushed. For example, Tribal leadership and Tribal Historic Preservation Officers (THPOs) were expected to provide official comments to the Minnesota Department of Natural Resources in the Spring of 2019 regarding ten (10) applications for licenses and permits for Line 3, including the Water Appropriation for Hydrostatic Testing and Horizontal Directions Drilling and the Threatened and Endangered Species Taking Permit BEFORE being provided with the official Minnesota Cultural Corridor Survey Report and the Environmental Impact Statement (EIS). By the time we received the Cultural Corridor Survey Report, the commentary period had closed.

The human health impacts of the Line 3 pipeline construction are also dire. The

construction of this pipeline has recently brought over 4,200 largely out-of-state workers into direct proximity to both the White Earth and Red Lake Reservations and the surrounding rural communities. These workers are often grouped together for housing in trailers, hotel rooms, or apartments. The living arrangements for such large numbers of out-of-state male workers is commonly referred to as “man camps” and the arrival of man camps near Indigenous communities have long been problematic with a direct correlation to missing and murdered Indigenous women and girls (MMIW) as rates of violence, sexual assault and human trafficking of Indigenous women increase.

For example, the December 15, 2020 Minnesota Department of Public Safety Missing and Murdered Indigenous Women Taskforce determined that while Native American women and girls in Minnesota represent one percent of the state’s population, they make up nine percent of murdered women and girls in Minnesota. Additionally, this figure is likely significantly higher given challenges to data collection and underreporting. The report also found that “sexual and physical violence against Indigenous women occurs at disproportionately high levels in areas near extractive industries, underlining the overlay of sexual and economic exploitation... The ‘two rapes’ that occur too often in these camps is that of both the land and women.”¹

The arrival of over 4,200 out-of-state workers during a global pandemic is also deeply concerning. Rates of COVID-19 within Minnesota have continued to rise and recent research has shown that American Indians are four (4) times more likely to die from COVID-19 complications. Currently, there are not enough PPE supplies, ventilators, medical facilities or COVID-19 vaccines to keep our community members protected from the rise in COVID-19 cases that the arrival of over 4,200 Enbridge workers will cause. Of particular significance are the following direct impacts from the pipeline construction:

- All land-sharing / neighboring Counties with the White Earth and Red Lake Nations experienced rising COVID-19-related cases and deaths in December 2020.
- White Earth’s COVID testing program has seen a rise in percent-positive rates from less than 2% in the spring to weekly values nearing twenty 20% positive during the same time period that Enbridge workers arrived in Minnesota.
- Our elders, culture bearers and Ojibwemowin language speakers are at significant risk. For example, for those whose first language learned at home is Ojibwemowin, there are now 0 adult speakers remaining in White Earth and roughly 160 speakers at Red Lake.
- White Earth Public Health contact tracing and case management teams are now struggling to cope with multiple case clusters of COVID-infected and COVID-exposed citizens.
- The primary referral destination for transport of seriously-to-critically-ill Red Lake and White Earth members for specialty medical care in Fargo, North Dakota has reached a

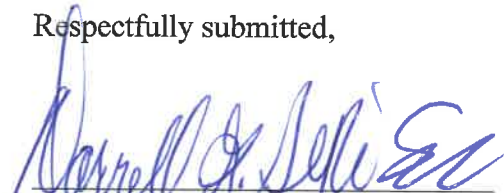
¹ See <https://www.niwrc.org/sites/default/files/documents/Resources/missing-murdered-indigenous-women-task-force-report.pdf>, page 74.

point where it cannot accept transports of our seriously-ill citizens because no ICU or general hospital beds are available.

- Over 100 people, largely women, elders, and culture bearers, have been arrested for protecting their water, wild rice and treaty lands. These individuals have been grouped together and held in jail cells for one or more nights during a global pandemic. We believe that arresting women, elders, and culture bearers undermines the goals of your Administration just as they undermine our own cultural values and sovereignty.

The direct, indirect, and cumulative impacts of this pipeline will remain a threat to our treaty rights, our sacred places, our food security, and our collective access to water for generations to come. The interests of our sovereign indigenous Nations and the American people must supersede the interests of a Canadian multinational corporation and we ask that your Administration take decisive action to resolve these current conditions through an Executive Order as the lives and well-being of White Earth and Red Lake citizens depend on it.

Respectfully submitted,



Darrell G. Seki, Sr., Chairman
Red Lake Band of Chippewa



Michael Fairbanks, Chairman
White Earth Band of Ojibwe

Cc: The Honorable Amy Klobuchar, U.S. Senator
The Honorable Tina Smith, U.S. Senator
The Honorable Betty McCollum, U.S. Representative
The Honorable Michelle Fischbach, U.S. Representative
The Honorable Tim Walz, Governor of Minnesota
The Honorable Peggy Flanagan, Lieutenant Governor of Minnesota