

August 30, 2021

President Joseph R. Biden
The White House
1600 Pennsylvania Avenue Northwest
Washington, DC 20500

Dear President Biden:

We are writing to ask for your urgent intervention to protect Indigenous sovereignty amidst the construction of the Enbridge Line 3 pipeline in northern Minnesota. In recent weeks, we have seen concerning violations of treaty rights by public agencies and private actors, ongoing violence against Indigenous women, and environmental impacts that will have long-lasting impacts on hunting, fishing, and wild rice gathering as we grapple with the climate crisis. We ask that the Department of Interior uphold the rights guaranteed to Indigenous people under federal treaties and fulfill Tribal requests for a government-to-government meeting concerning Line 3.¹

Over three-quarters of Minnesota is in a state of severe drought, with the areas impacted by Line 3 construction classified as severe to extreme.² The region has experienced multiple wildfires in recent weeks due to the extraordinarily dry conditions³, and some of Minnesota's most iconic waterfalls are the driest they've been in generations.⁴ Statewide, we've witnessed record-breaking heatwaves throughout the summer.⁵ These weather events are clear signs of the growing danger of climate change on every aspect of our lives. They also foreshadow the devastating impacts expected for wild rice and native ecosystems vital to Indigenous culture and protected under treaties.⁶ In this context, the Minnesota Department of Natural Resources recently allowed Enbridge to remove an additional 4.5 billion gallons of water from seasonal wetlands⁷ during construction, without undergoing additional environmental review or assessment of impacts on treaty rights. When such massive environmental changes during construction are weighed alongside the long-term impacts of climate change driven by ongoing Line 3-related emissions, it appears clear that we are not upholding our obligations under treaties to preserve ecosystems that are economically and culturally vital to Indigenous nations.

Relatedly, state agencies and local law enforcement entities have taken steps that appear to be clear violations of Tribal rights, as well as financial conflicts of interest. Earlier this year, the Minnesota Departments of Transportation and Public Safety attempted to "evict" a treaty camp,

¹ <https://minnesotareformer.com/2021/07/15/were-here-to-ask-for-help-tribal-leaders-urge-walz-to-block-line-3/>

² <https://www.mprnews.org/story/2021/07/22/72-percent-of-minnesota-is-now-in-severe-drought>

³ <https://www.mprnews.org/story/2021/07/24/storms-bring-needed-rain-to-northern-minnesota-but-also-spark-new-wildfire>

⁴ <https://www.kare11.com/article/news/local/drought-photos-gooseberry-falls-minnehaha-creek/89-8326dc4f-eb0d-44d1-ac18-9a8886c08f62>

⁵ <https://www.mprnews.org/story/2021/06/09/minnesotas-heat-wave-is-poised-to-set-more-records>

⁶ <https://www.startribune.com/climate-change-is-having-a-negative-effect-on-the-wild-rice-that-is-grown-in-this-region/572483131/>

⁷ <https://apnews.com/article/business-environment-and-nature-government-and-politics-86400ec9d341fb8f200fc6293c57e9b2>

leading local law enforcement to arrive to the camp with police dogs in what many on the scene described as a show of intimidation.⁸ While the state agencies rescinded their order, there continue to be arrests of Indigenous leaders who are acting under Tribal law.⁹ Law enforcement entities in the region have received around \$2 million from Enbridge to pay for police activity against water protectors, which has included staggering levels of violence, tear gas, and rubber bullets.¹⁰ While Enbridge was required to pay these costs under project permits, leaders have noted they create a conflict of interest as law enforcement are incentivized to increase patrols and arrests surrounding pipeline construction. There have also been reports of federal surveillance by the Department of Homeland Security, raising additional concerns of the extent of law enforcement response.¹¹

As law enforcement focuses on water protectors, the influx of temporary residents in the region has exacerbated the concerns of violence and health threats to local communities – and to Indigenous people in particular. In its 2020 report to the Minnesota Legislature, the Missing and Murdered Indigenous Women Task Force noted the risks on Indigenous women associated with Line 3 and other projects of this nature and predicted that construction would lead to more violence against Indigenous women.¹² Earlier this summer, two Line 3 workers were arrested in a human trafficking sting.¹³ Throughout the pandemic, nearly 800 Line 3 workers tested positive for COVID-19, straining local health resources and increasing the pandemic's toll on Indigenous communities.¹⁴

Lastly, Tribal leaders have highlighted that the cultural studies required under law were not adequate considering the diversity of Indigenous history and culture throughout the region.¹⁵ When completing historical and cultural reviews of the sites, Enbridge did not include key stakeholders in the Tribal Cultural Resource Management survey team. The Fond du Lac Band of Lake Superior Chippewa, Mille Lacs Band of Ojibwe, Leech Lake Band of Ojibwe, White Earth Band of Ojibwe, and Red Lake Band of Chippewa challenged the cultural studies in court¹⁶, but were unsuccessful in having their claims heard by the Minnesota Supreme Court.¹⁷ There is no ongoing consultation – let alone consent – from *all* Tribes in Minnesota.¹⁸ We believe the federal government has a responsibility to review these concerns raised by sovereign Tribal nations.

⁸ <https://indiancountrytoday.com/news/red-lake-treaty-camps-future-uncertain>

⁹ <https://minnesota.cbslocal.com/2021/07/22/winona-laduke-6-others-arrested-while-protesting-line-3/>

¹⁰ <https://www.vice.com/en/article/4avp3w/an-oil-company-paid-police-dollar2-million-to-defend-its-pipeline-from-protests>

¹¹ <https://theintercept.com/2021/07/07/line-3-pipeline-minnesota-counterinsurgency/>

¹² <https://dps.mn.gov/divisions/ojp/Documents/missing-murdered-indigenous-women-task-force-report.pdf>

¹³ <https://www.mprnews.org/story/2021/07/03/six-men-including-two-line-3-workers-arrested-in-human-trafficking-sting>

¹⁴ <https://www.aljazeera.com/news/2021/6/29/nearly-800-line-3-pipeline-workers-tested-positive-for-covid-19>

¹⁵ <https://www.stopline3.org/news/tribalpetition>

¹⁶

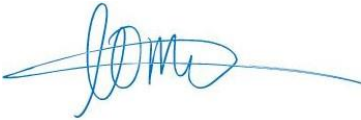
<https://static1.squarespace.com/static/58a3c10abebafb5c4b3293ac/t/5a4ecb00f9619a5160a185cf/1515113216778/Joint+Tribal+Petition+Jan2017.pdf>

¹⁷ <https://www.honorearth.org/mnsupremecourt-denied-justice>

¹⁸ <https://www.mprnews.org/story/2021/02/24/enbridge-line-3-divides-indigenous-lands-people>

When considering the extent of environmental, cultural, and social impacts on Indigenous people associated with Line 3 construction and its long-term climate impacts, we believe the federal government has a responsibility to uphold treaties and engage with Tribal nations on a government-to-government level. We look forward to receiving your response as soon as possible.

Sincerely,



Ilhan Omar
Member of Congress



Heather Keeler
MN House of Representatives



Mary Kunesh
MN State Senate



Earl Blumenauer
Member of Congress



Patty Acomb
MN House of Representatives



Jim Carlson
MN State Senate



Jamaal Bowman, Ed.D.
Member of Congress



Esther Agbaje
MN House of Representatives



Scott Dibble
MN State Senate



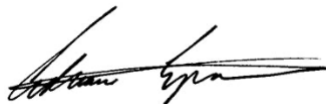
Steve Cohen
Member of Congress



Jamie Becker-Finn
MN House of Representatives



Chris Eaton
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Adriano Espaillat
Member of Congress



Kaela Jo Berg
MN House of Representatives



Omar Fateh
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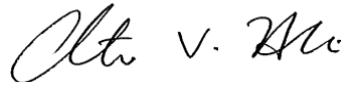
Alexandria Ocasio-Cortez
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Hodan Hassan
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Ayanna Pressley
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Athena Hollins
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Rashida Talib
Member of Congress



Michael Howard
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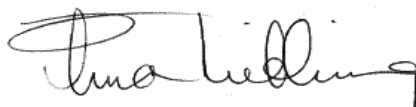
Frank Hornstein
MN House of Representatives



Sydney Jordan
MN House of Representatives



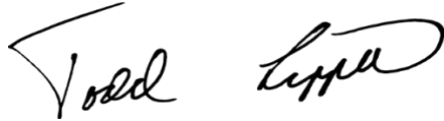
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Tina Liebling
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Todd Lippert
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Jamie Long
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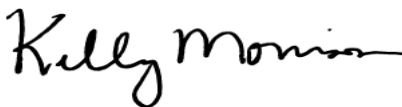
Sandra Masin
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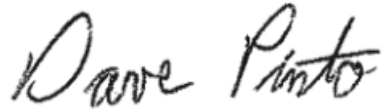
Carlos Mariani
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Rena Moran
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Kelly Morrison
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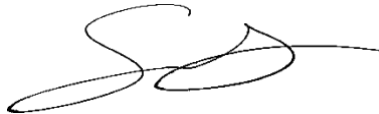
Dave Pinto
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Mohamud Noor
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Samantha Vang
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Ami Wazlawik
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Jay Xiong
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