

LEECH LAKE RESERVATION BUSINESS COMMITTEE

RESOLUTION NO. 2016 - 26

**RESOLUTION PETITIONING FOR PROPER INDEPENDENT ENVIRONMENTAL
ANALYSIS OF THE RISK OF PIPELINE RUPTURE AND LEAKS, CONSEQUENCES
OF SUCH RUPTURE AND LEAKS FOR NEW CONSTRUCTION AND PIPELINE
ABANDONMENT, AND PROPER COMPARISON OF PIPELINE ROUTES THAT
INCLUDE ROUTES NOT TRAVERSING LANDSCAPES CONTAINING ABUNDANT
WILD RICE WATERS**

- WHEREAS,** The Leech Lake Band of Ojibwe ("Band") is a Federally recognized Indian Tribe organized under the Indian Reorganization Act of 1934, and operating under the Revised Constitution and Bylaws of the Minnesota Chippewa Tribe; and
- WHEREAS,** Pursuant to its inherent sovereign authority and its By-Laws, the Band's Reservation Business Committee ("RBC"), made up of duly elected representatives, is the governing body of the Band, having all the legislative powers and responsibilities of the tribal government; and
- WHEREAS,** The RBC is charged with the responsibility of protecting and advocating for the health and welfare of Leech Lake Band members within the exterior boundaries of the Leech Lake Indian Reservation; and
- WHEREAS,** Wild rice is of cultural, religious, and historic significance to the Anishinaabe people; and is the special focus of this resolution; there are, however, other important natural resources involved that we do not address here but that would have greater assurance of protection if the course we insist on be pursued; and
- WHEREAS,** The Band is in support of the removal of Line 3 from the Leech Lake Reservation and reclamation of any lands impacted by Line 3; and
- WHEREAS,** Enbridge Energy Resources, LLC (Enbridge) seeks to locate two crude oil pipelines, known as the Sandpiper and the Line 3 projects, in locations that cross many wild rice landscapes in Minnesota, including the 1855 Treaty ceded territory; and
- WHEREAS,** it is therefore clearly time for the federal, tribal and state governments to address the cumulative environmental impact of these energy corridors, with particular attention to the cumulative impact of oil release risks and consequences to wild rice waters, including the impacts of pipeline abandonment; and

- WHEREAS,** The proposed new pipelines are projected to carry huge amounts of toxic and profoundly damaging oil products, including tar sand oil from northern Alberta, Canada, the same variety of crude oil that damaged more than 35 miles of the Kalamazoo River in Michigan in 2010 when another Enbridge pipeline ruptured; and
- WHEREAS,** There are other possible routes that have been proposed for the Sandpiper project, and that will be proposed for the Line 3 project that do not cross wild rice landscapes and other environmentally sensitive and pristine areas; and
- WHEREAS,** Enbridge has provided testimony that the market for the crude oil products to be carried by the proposed Sandpiper and Line 3 pipelines are mostly in the Chicago regional area, and that the proposed routes as a general case follow old pipeline routes established before environmental laws were enacted, and are therefore merely for the convenience of this private pipeline company; and
- WHEREAS,** The 1855 Treaty Authority has described the impacts to wild rice lands and waters in some detail, and has requested protection of resources in the 1855 Treaty ceded territories in letters to the Secretary of the U.S. Department of Interior and the Assistant Secretary for Indian Affairs ("Petition for Environmental Protection", dated July 15, 2015), and in a letter to Minnesota Governor Mark Dayton ("Notice of 2015 Wild Rice Harvesting Season", dated August 7, 2015); and
- WHEREAS,** To date, and to our continued consternation, no federal or state agency having review and permit authority over these two pipelines has committed to conducting a scientifically sound and thorough assessment of the risks and consequences of leaks and ruptures of the proposed pipelines (including pipeline abandonment) over the more than 50 year project life in a manner that properly compares proposed routes that cross wild rice landscapes with those that don't cross such
- WHEREAS,** To our high consternation, the Minnesota Public Utility Commission (PUC) recently decided (June 5, 2015) to proceed on a course to dismiss all route alternatives that do not cross wild rice landscapes; the result being to narrow the PUC approval process to only routes traversing wild rice landscapes, without even studying the differences in risk and consequences between routes, and in spite of extensive expert testimony to date that such studies are needed. Accordingly, we seek redress through federal law and Treaties against such indifference, fatigue, or administrative legerdemain by the state government; and
- WHEREAS,** Decisions concerning the location of pipelines and abandonment of pipelines, as well as the protection of wild rice and other important natural resources, as described in the 1855 Treaty Authority's "Petition for Environmental Protection", cannot be rationally considered without a thorough understanding of the risk of oil releases and the consequences of such releases; and

WHEREAS, Generally accepted technical considerations involved in a responsible environmental analysis must be considered with respect to Enbridge's two proposed projects, which entirely support our demand that the risk of oil releases and the consequences of such releases must be thoroughly understood; and must be understood in the context of route comparisons which include routes that do not cross water-rich landscapes containing wild rice.

NOW THEREFORE BE IT RESOLVED, That Leech Lake RBC, at a duly called meeting with a quorum present, does hereby conclude that a risk assessment and analysis of consequences of the two proposed Enbridge projects should be completed through a comprehensive Environmental Impact Statement (EIS); and

BE IT FURTHER RESOLVED, That such EIS must be at least of the type and quality of the federal EIS that was completed with respect to the Keystone XL pipeline; and which the Leech Lake Division of Resource Management would be a cooperating agency responsible for providing a Record of Decision; and

BE IT FURTHER RESOLVED, That such studies must be developed in consultation with the Anishinaabe of Minnesota, and must specifically develop techniques and methods to determine the potential impacts to the loss and damage to the cultural, religious and historic significance of wild rice to the Anishinaabe people; and

BE IT FURTHER RESOLVED, That the technical issues described and listed in Attachment A strongly demonstrate that pipeline failure can occur on new pipelines; can occur from failure of modern pipeline monitoring systems; and will likely occur over the more than 50 year project life of the pipelines, to the extent that decisions on locating these pipelines through wild rice lands are extremely concerning and thus demand the most careful attention from unbiased, objective experts; and

BE IT FURTHER RESOLVED, That such studies be accomplished prior to any permits being granted for the Sandpiper and/or the Line 3 Relocation/Enlargement/Abandonment projects; and that such studies be accomplished for alternative routes selected without regard to Enbridge's contracts with shippers or its present system of pipeline configurations; and

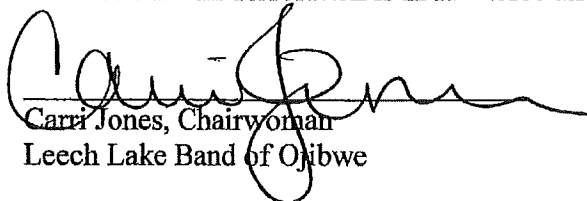
BE IT FURTHER RESOLVED, That the Tribal Council hereby requests that the Bureau of Indian Affairs, other agencies of the Department of Interior, the Army Corps of Engineers, the Environmental Protection Agency, as well as the Anishinaabe tribes of Minnesota and Wisconsin participate in such risk and consequence analyses prior to granting any federal permits.


BE IT FINALLY RESOLVED, That this Resolution is effective immediately.

CERTIFICATION

WE DO HEREBY CERTIFY that the foregoing Resolution was duly presented and acted on by a vote of 4 for, 0 against and 0 silent at a Special Meeting of the Leech

Lake Reservation Business Committee, a quorum being present, held on October 22, 2015 at Cass Lake, Minnesota. Accordingly, this Resolution is duly adopted by the Reservation Business Committee for the Leech Lake Band of Ojibwe, and the Reservation Business Committee further certifies that this Resolution is in full force and has not been amended or rescinded in any way.


Carri Jones, Chairwoman
Leech Lake Band of Ojibwe


Arthur LaRose, Secretary/Treasurer
Leech Lake Band of Ojibwe