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SCOPING AND INFORMATIONAL MEETING
BAGLEY - AUGUST 18, 2015 - 6:00 P.M.
BEFORE THE MINNESOTA PUBLIC UTILITIES COMMISSION
AND DEPARTMENT OF COMMERCE

In the Matter of the Application of Enbridge Energy,
Limited Partnership for a Certificate of Need and a
Pipeline Routing Permit for the Line 3 Replacement
Project in Minnesota from the North Dakota Border to the
Wisconsin Border

MPUC DOCKET NOs. PL-9/CN-14-916
PL-9/PPL-15-137

Rice Lake Community Center
13830 Community Loop
Bagley, Minnesota

August 18, 2015

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1 MS. TRACY SMETANA: Good evening,
2 everyone, and thank you very much for coming.

3 My name is Tracy Smetana, I'm the public
4 advisor with the Minnesota Public Utilities
5 Commission. And as you know, we are here for a
6 public information meeting for the proposed Enbridge
7 Line 3 Replacement Project.

8 The purpose of tonight's meeting is first
9 to explain the Commission's review process. To
10 provide some information about the proposed project.
11 To gather information for the environmental review.
12 And also to answer general questions about the
13 process and the project.

14 So if you saw the notice, this was the
15 agenda that we had put together. Your lovely dinner
16 has changed our time frame just a little bit and
17 that's okay, we'll still follow that as closely as
18 possible. We'll need to take a break after about an
19 hour and a half for the court reporter.

20 So, first off, who is the Public
21 Utilities Commission? It's a state agency, we have
22 five commissioners appointed by the governor and
23 about 50 staff in St. Paul. We regulate various
24 aspects of a utility's business within Minnesota,
25 including permitting for pipelines.

1 In order for the company to build this
2 project, they need a couple different permits from
3 the Public Utilities Commission.

4 The first is what we call a certificate
5 of need, and that answers the question is the
6 project needed, and I've identified the statutes and
7 rules that cover that particular process.

8 The other piece of the puzzle is a route
9 permit. Answers the question, if it's needed, where
10 will it go. And, again, there are statutes and
11 rules that govern that process.

12 As we work through the process there are
13 a number of different parties, organizations,
14 agencies and so on that are involved so I wanted to
15 just give you a little bit of the who's who.

16 First of all, we have the applicant,
17 that's the term we use to describe the company
18 asking for the certificate of need and the route
19 permit. So in this case the applicant is Enbridge
20 energy.

21 The Department of Commerce has two
22 different branches that participate in this process.
23 The first is the Energy Environmental Review and
24 Analysis unit, you might see that abbreviated EERA.
25 And as you might guess by their name, they conduct

1 the environmental review.

2 The other side of the Department of
3 Commerce is the Energy Regulation and Planning
4 division. And they represent the public interest
5 when utilities ask to make changes in their rates,
6 services, facilities, and so on. Their role in this
7 particular project is on the certificate of need
8 side.

9 The Department of Commerce is another
10 state agency and they are completely separate from
11 the Public Utilities Commission.

12 Another state agency, the Office of
13 Administrative Hearings, will also be involved in
14 this process as we move through. This agency is
15 also separate from the Public Utilities Commission
16 and from the Department of Commerce.

17 An administrative law judge, or an ALJ,
18 will be assigned to review this case. The ALJ's job
19 will be to hold hearings, both public hearings along
20 the proposed route areas and also what we call
21 contested case hearings or evidentiary hearings to
22 gather additional evidence and ultimately will write
23 a report for the Public Utilities Commission laying
24 out all of the facts in the record.

25 At the Public Utilities Commission there

1 are two different staff members assigned to the
2 project. The first is the energy facilities
3 planner. And I think of that person as more of the
4 technical expert, dealing more with the rules and
5 regulations, advising commissioners on the impacts
6 of various alternatives and so on.

7 And then on the other side is me, I'm the
8 public advisor. And I'm more on the people side.
9 So my job is to talk to folks and help them
10 understand what happens next in the process, when
11 you can weigh in, what's the most effective way to
12 submit comments, so on and so forth.

13 In both cases, Commission staff are not
14 advocates for any party, any person, any position in
15 this case, our job is to be neutral. I like to say
16 we represent the rules, that's our job, we advise
17 you on what the rules require. We also do not give
18 legal advice.

19 So when the Public Utilities Commission
20 is considering the question of a certificate of
21 need, the statutes and rules outline a number of
22 criteria that the Commission has to consider in
23 making that decision. I'm not going to read these
24 for you, you have them in your packet that you
25 picked up at the door. If you don't have one in

1 your folder, please go see Jorinda at the table at
2 the entrance and she can get one for you.

3 And also the route permit has a number of
4 criteria the Commission is required to consider if
5 indeed a route permit is issued in this case.

6 And this is just an overview of what the
7 process looks like for the certificate of need. And
8 the main thing I want to point out is there are a
9 number of steps along the way and we're fairly early
10 on in the process right now. We're in this blue
11 box, the public information meetings. So there are
12 a number of steps that have to happen between now
13 and a decision point, that bottom box.

14 The other thing I want to point out is
15 there are a number of opportunities for folks to
16 participate either by attending meetings or
17 submitting comments in writing along the way. And
18 that's a very important part of the process.

19 A similar chart for the route permit
20 process. And, again, there are a number of steps
21 before we get to that bottom box of the decision.
22 And there are also a number of opportunities along
23 the way for you to get involved and participate.

24 I've taken those same steps and put them
25 into a chart with some estimated timelines. And the

1 key word here is estimated. Since we are so early
2 on in the process, we're kind of making our best
3 guess about what the time frame might look like for
4 these various steps. And so right now with the
5 information we have today, we expect a decision
6 could be made by the certificate of need by June of
7 2016.

8 An estimated timeline for the route
9 permit as well. Again, the key word here is
10 estimated, we're not exactly sure when these steps
11 are going to take place, but we expect that a
12 decision on the route permit could happen in August
13 of 2016.

14 Now, as I mentioned, there are a number
15 of opportunities for folks to get involved along the
16 way. And so when we are accepting comments on an
17 issue we publish a notice, so you may have received
18 a notice about today's meeting. Otherwise, when
19 there are opportunities to submit written comments
20 we issue a different notice. And I just want to
21 point out a few elements if you see a notice like
22 this one.

23 First of all is the docket number.
24 That's sort of the key to finding anything at the
25 Commission. Everything that happens in this

1 particular case is filed under these docket numbers.
2 And you can see there are two of them because
3 there's two pieces to the process, one for the
4 certificate of need and one for the route permit.

5 There's also going to be a comment period
6 identified. So it's not some open-ended, send us
7 what you think anytime, anyplace. We have some
8 deadlines so that we can move on to the next phase
9 of the process.

10 And we will also identify the topics open
11 for comment to help you zero in and focus on the
12 issues that are going to have the most impact at
13 that point in the process.

14 So, again, the key to sending comments,
15 whether you're speaking them today or you're sending
16 some in writing either in this particular comment
17 period or somewhere else along in the process,
18 you'll want to include the docket number. That's
19 going to make sure your comments get attached to the
20 right project. You want to stick to the topics
21 listed on the notice as much as possible. Again,
22 that's going to provide the most impact for the
23 comments that you submit.

24 You don't need to submit your comments
25 more than once. Once they're in the record we have

1 them, they're in the record. So you don't need to
2 gather ten neighbors and have everybody send the
3 same comments, it is much more helpful if everyone
4 can submit their own individual comments.

5 Verbal and written comments carry the
6 same weight. So if you speak them, you don't also
7 need to send them in writing. You can, but once
8 they're in the record, they're in the record. You
9 don't get extra credit for public speaking.

10 The Commission's decision is based on the
11 facts in the record. It's not based on popularity
12 of one option over another, it's based on the facts.
13 So, again, when you're submitting comments, it'll be
14 most helpful if you can stick to the facts as much
15 as possible.

16 I also want to let you know that the
17 comments you provide are public information. So any
18 information that you submit either by speaking your
19 comments or by writing comments will be available
20 for all to see.

21 And, again, they must be received before
22 the deadline so that they can be considered as we
23 move forward in the next step of the process.

24 Now, if you want to stay informed about
25 this project, there are a number of ways you can do

1 that. We do have a way that you can see all of the
2 documents that have been submitted so far in the
3 record. We have what we call an eDocket system.
4 You can go to our website and follow these steps and
5 you can review the documents that have been
6 submitted in this case.

7 We also have a project mailing list.
8 Some of you may have picked up the orange card on
9 your way in. The Public Utilities Commission does
10 maintain a mailing list and we'll send you
11 information on project milestones, opportunities to
12 participate, sort of the high points of the case.
13 You can receive that information by e-mail or U.S.
14 mail, whichever you prefer. The simplest way to be
15 added to that list is to fill out one of those
16 orange cards and return it to Jorinda at the table
17 at the entrance.

18 Now, we also have an e-mail subscription
19 service where you would receive an e-mail
20 notification every time something new comes into the
21 record. Again, you can go to our website and
22 subscribe for that service. These are the steps
23 that you would follow to do that. I do want to
24 point out that it could result in a lot of e-mails,
25 so if you're not a super e-mail fan, you might not

1 want this option.

2 And this is just what the screen looks
3 like when you get to that subscribe page. A lot of
4 times people will say it's not very user-friendly so
5 I always like to give you a little picture so you
6 know you're in the right place when you get there.

7 And, again, at the Public Utilities
8 Commission, or PUC, there are two different staff
9 members working on this particular project. The
10 first, again, is me, my name is Tracy, I'm the
11 public advisor. And my counterpart, the energy
12 facilities planner in this case, is Mr. Scott Ek.
13 If you have questions, we'd be happy to help.

14 And, with that, I will turn it over to
15 Enbridge.

16 MR. MITCH REPKA: Thanks.

17 Good evening, everyone. My name is Mitch
18 Repka, I'm the manager of engineering and
19 construction for the U.S. portion of the Line 3
20 Replacement Project.

21 I appreciate everyone attending here
22 today. I'd like to thank the Public Utilities
23 Commission and the Department of Commerce for
24 inviting us here today. And, again, thank you for
25 the great meal, it was very good.

1 Today I'd like to talk about who Enbridge
2 is and give some history of Line 3. And then we'll
3 get into the project-specific details and end the
4 discussion with a slide regarding the benefits.

5 So who is Enbridge? Enbridge owns and
6 operates the world's longest crude oil pipeline
7 system. It delivers approximately 2.2 million
8 barrels per day of crude oil and liquid petroleum.
9 It satisfies the needs of approximately 70 percent
10 of the market demand of the refineries here in the
11 Upper Midwest area, the Great Lakes region.

12 The company has a variety of assets, as
13 you can see on the map here. I apologize to those
14 in the back, it may be a little difficult to see,
15 but there's essentially a liquid pipeline system
16 that spans through Canada as well as the United
17 States. There are also natural gas assets. And the
18 company also has a growing portfolio of renewable
19 energy, which includes wind, solar, and geothermal.

20 Enbridge operates under three core
21 values: Integrity, safety, and respect. And each
22 of these core values is interwoven into everything
23 we do as an organization, whether it's planning,
24 designing, the construction, or long-term operation
25 and maintenance of facilities. Safety is a top

1 priority for landowners and community members, and
2 Enbridge takes this responsibility very seriously
3 and is committed to the long-term safety and
4 reliable operation of its assets across the system
5 as well as here in Minnesota.

6 As for the history of Line 3. It's a
7 34-inch diameter line. It was originally
8 constructed in the 1960s and was placed into service
9 in 1968. It spans approximately 1,097 miles from
10 Edmonton, Alberta to Superior, Wisconsin. It
11 operates as an integral part of the Enbridge system
12 and delivers crude oil to refineries here in
13 Minnesota, Wisconsin, as well as other parts of
14 North America.

15 As for the replacement project. It is a
16 proposed 1,031 mile project from Hardesty, Alberta
17 to Superior, Wisconsin. It's a 36-inch diameter
18 line. Currently, Enbridge is seeking approvals in
19 both Canada and the U.S. for the line. Overall
20 replacement cost of the project is estimated at \$7.5
21 billion, which makes it one of North America's
22 largest infrastructure projects. Of that total,
23 approximately 2.6 billion is for the U.S. portion.

24 So as for the U.S. portion of the
25 project. It is an integrity- and maintenance-driven

1 project and therefore will result in the permanent
2 deactivation of the existing Line 3 once the new
3 line is operational.

4 This will reduce the need for ongoing
5 landowner and environmental impacts along the
6 existing route as a result of reduced integrity digs
7 and maintenance activities to maintain the existing
8 Line 3.

9 So the new line in the U.S. is 364 miles
10 in length, 13 of which are in North Dakota, 337 are
11 in Minnesota, and 14 in Wisconsin. The certificate
12 of need and routing permit were filed in April of
13 2015 and, pending receipt of regulatory approvals,
14 construction is expected to commence in 2016 through
15 2017.

16 As for the Minnesota portion of the
17 project, the project enters in Kittson County in
18 order to allow it to be tied into our North Dakota
19 portion of the project. It passes through
20 Clearbrook, which is where we make deliveries into
21 the Minnesota Pipe Line system, as well as to our
22 existing terminal facility, and then travels south
23 and east and exits Minnesota in Carlton County.

24 As for the portion north and west of
25 Clearbrook, there are four pump stations. One is

1 located at Donaldson, the others at Viking, Plummer,
2 and Clearbrook. This portion of the project is 98
3 percent collocated with existing utility facilities.
4 And then the south and east portion of Clearbrook
5 includes four pump stations, one at Two Inlets,
6 Backus, Palisade, and Cromwell. And this route is
7 75 percent collocated with existing utilities.

8 Back to the overview map. The project is
9 designed to transport 750,000 barrels per day of
10 crude oil. There are 27 mainline valves located
11 along the route. The construction footprint in
12 uplands is 120 feet wide, in wetlands it's 95 feet
13 wide. 50 feet of this width is permanent easement,
14 so in locations we're adjacent to existing Enbridge
15 facilities, 25 feet of permanent easement is being
16 purchased and will share the other 25 feet with the
17 adjacent facility. The Minnesota portion of the
18 project is estimated to be \$2.1 billion.

19 As for the benefits. Again, as mentioned
20 earlier, it is a maintenance- and integrity-driven
21 project; therefore, once the new line is operational
22 the old line will be permanently deactivated, which
23 will reduce the need for ongoing maintenance
24 activities and integrity digs along that existing
25 corridor. It will also restore the historical

1 operating capabilities of Line 3, therefore reducing
2 apportionment across the Enbridge system that our
3 customers are currently experiencing.

4 As for jobs, 1,500 construction jobs will
5 be created as a result of the project. 50 percent
6 of those jobs will come from the local communities
7 here in Minnesota. There will also be a need for
8 long-term jobs, full-time jobs with Enbridge in
9 order to operate and maintain the new facility once
10 it's in service.

11 Local businesses will see a direct
12 benefit from the project as well. As the
13 construction ramps up there will be additional labor
14 resources that enter into the local communities.
15 And those folks will need housing, they will shop at
16 our grocery stores, they will purchase gas from
17 local gas stations, they will be buying goods and
18 services, so those businesses will see a direct
19 benefit from the project.

20 Also, on a long-term basis, there are
21 additional benefits for tax revenues to the
22 counties. We anticipate approximately \$19.5 million
23 in incremental tax revenue to the counties that we
24 operate in. And that money can be used at the
25 county's discretion, whether it be infrastructure

1 improvements, increase in services, or possibly an
2 increase in tax burden of the county residents.

3 So thanks again for allowing us to speak
4 today. We do have a few Enbridge personnel here
5 today, I would like to take a minute to allow them
6 to introduce themselves here and to answer questions
7 and to listen to your comments.

8 MR. BARRY SIMONSON: Thank you, Mitch.

9 Good evening, everyone. I'd like to
10 thank you for being here tonight, it's much
11 appreciated.

12 My name is Barry Simonson, I am the
13 project director for the Line 3 Replacement Project.
14 So in that role I have the ultimate oversight for a
15 successful and safe build of the new Line 3, as well
16 as the safe deactivation of the existing Line 3.

17 So thanks.

18 UNIDENTIFIED: (Inaudible.)

19 MS. JAMIE MACALISTER: All right.

20 Listen, I have to say that for the sake of the
21 meeting that we need to proceed, and we need to get
22 through people's comments and get us through this
23 and I really need some cooperation.

24 UNIDENTIFIED: Then put your pipeline
25 some other place.

1 MS. JAMIE MACALISTER: All right. If
2 you'd like to recommend that option, please do so.
3 But we can't continue the meeting if this is going
4 to be the tenor.

5 UNIDENTIFIED: Go ahead, then.

6 MS. JAMIE MACALISTER: Thank you.

7 MR. JOHN MCKAY: Good evening, everyone.
8 Thanks for coming and thanks for the wonderful
9 dinner.

10 My name is John McKay, I'm the senior
11 manager for land services for U.S. projects and I
12 provide general oversight to land acquisition work
13 with landowners along the route.

14 MR. MARK WILLOUGHBY: Good evening.
15 Thank you for your hospitality.

16 My name is Mark Willoughby. I'm director
17 of project integration for Enbridge, and I have also
18 played the role as director of operations in the
19 Superior region for the last several years, which
20 includes all of Minnesota.

21 MR. PAUL TURNER: Hello.

22 My name is Paul Turner. I first want to
23 say thank you for the hospitality and the great
24 dinner tonight, that was fabulous.

25 In my role, I'm supervisor of our

1 construction permitting team. I manage and oversee
2 the preparation and submittal of all permit
3 applications for construction.

4 Thank you.

5 MR. ARSHIA JAVAHERIAN: Thank you,
6 everyone.

7 My name is Arshia Javaherian, I
8 appreciate everybody coming out tonight.

9 I'm senior legal counsel with Enbridge's
10 Line 3 project, responsible for the regulatory
11 permitting, as well as land acquisition, legal
12 matters.

13 Thank you.

14 MR. MITCH REPKA: Thanks again.

15 We'll turn it over to the Department of
16 Commerce.

17 MS. JAMIE MACALISTER: All right. Hello,
18 everyone. Thank you very much for having us here
19 this evening. I would also like to say, whether
20 coincidence or not, happy birthday to Winona LaDuke.

21 I do have some things we need to go over
22 before we get started with the part that most of you
23 are interested in. First, I'm Jamie MacAlister, I'm
24 with the Department of Commerce, Energy
25 Environmental Review and Analysis unit. With me is

1 Larry Hartman, many of you may know Larry from other
2 pipeline projects.

3 I'd also encourage everyone to grab a
4 folder at the front if you haven't already. There's
5 some important information in there that will help
6 you not only this evening, but hopefully going
7 forward.

8 In your folder, not only will you have a
9 copy of this presentation, which has my contact
10 information in it, you should also have a comment
11 form and some guidance that would help you give us
12 comments that will help us as we move into the
13 environmental analysis phase of this project. And
14 there's a draft scoping document in there that kind
15 of helps flesh out how we see the comparative
16 environmental analysis laying out.

17 So if you have one of those folders and
18 you're missing any of those pieces, please see
19 Jorinda, she can help you figure out what you're
20 missing and make sure you have the right
21 information.

22 The third thing I would like to mention
23 is that another meeting has been added for
24 August 27th, next Thursday, from 11:00 to 2:00 at
25 the East Lake Community Center in McGregor. So if

1 that fits into your schedule, please come to that
2 meeting.

3 So before we get into our
4 question-and-answer session here, I have a brief
5 presentation. I just want to go over some things
6 quickly about the permitting process, a little bit
7 about the scoping of the environmental document, how
8 to submit comments for route alternatives and
9 segment alternatives that can be carried forward
10 into the comparative environmental analysis. And
11 then just run through some examples quickly of
12 suggestions from other projects to mitigate or avoid
13 specific impacts.

14 I guess the last thing that I should
15 mention is that I know there are a number of people
16 that have already signed up to speak. We'll go
17 through some of this, the presentation, technically
18 we can stay here until 11:00, so let's try and keep
19 things moving so that everyone has a chance to speak
20 and make their comments.

21 Okay. So the routing of pipelines in
22 Minnesota is governed by state Statute 216G and
23 Minnesota Rule 7852. This project is a full review
24 process and it will include the preparation of an
25 environmental document. There will be public

1 hearings in the spring and those will be presided
2 over by an administrative law judge.

3 I know Tracy has already gone over the
4 schedule with you so I won't go over that in detail,
5 but we will -- after these meetings, we will be
6 preparing a package for the Public Utilities
7 Commission that will include the route and segment
8 alternatives that we receive as a result of these
9 scoping meetings that we've been having for the last
10 few weeks. And the PUC will determine which of
11 those gets carried forward into the comparative
12 environmental analysis.

13 So the real reason that we are here
14 tonight is to give you the opportunity to help us
15 identify the issues and impacts that are important
16 to you. These can be human and environmental. To
17 allow you the opportunity to participate in the
18 development of route and segment alternatives. And
19 just reiterate that it's the PUC that will
20 ultimately determine which alternatives get carried
21 forward in the comparative environmental analysis.

22 So what is this comparative environmental
23 analysis? Well, that is the environmental document
24 that is prepared for pipelines. It is an
25 alternative form of environmental review. It was

1 approved by the Minnesota Environmental Quality
2 Board and it is designed to meet the Minnesota
3 Environmental Policy Act requirements. And the goal
4 of the comparative environmental analysis is really
5 to provide an objective analysis. It's to look at
6 the impacts and mitigation measures. The document
7 does not advocate for any particular route or
8 alternative, really it's trying to provide facts for
9 decision-makers.

10 So what I would like to reinforce with
11 you in terms of suggesting comments and alternatives
12 is, if at all possible, to please include a map.
13 The map can be an aerial photo, a county highway
14 map. And a description and as much supporting
15 information that you can provide because, in the
16 end, I'm going to have to be sorting through all of
17 these and I want to make sure that your alternatives
18 are put forward in a way for me not to be trying to
19 figure out what your actual intent was.

20 So your alternatives, ideally they will
21 be designed to mitigate specific impacts. Those
22 impacts can be aesthetic, they can be land use, they
23 can be a natural resource, they can be health
24 impacts, they can be the impacts that are important
25 to you in your area.

1 They also need to meet the need for the
2 project. So the project is going to have to come in
3 in Kittson County, go through Clearbrook, and it's
4 got to end up in Superior. I think there's plenty
5 of opportunity there to work within that framework.

6 So let's quickly go through a few
7 examples from some transmission projects and how
8 public suggestions have been used to avoid specific
9 issues.

10 In this case, the issue was a historic
11 property that was trying to be avoided. These
12 alternatives were proposed to avoid that property.
13 In this example, the issue was really trying to keep
14 the line within the existing roadway corridor as
15 opposed to moving it out further and creating a new
16 corridor. Avoiding a memorial site.

17 And then these maps are very important.
18 You should have a couple of copies of this map. One
19 will be attached to your scoping document, the other
20 should be in your folder. These are all of the
21 route alternatives that were suggested for the
22 Sandpiper Pipeline. So for those of you that have
23 been following the Sandpiper, you will note that
24 last August the Public Utilities Commission
25 approved, I think it was 53 route and segment

1 alternatives for Sandpiper. In the Line 3 project,
2 roughly 23 or 4 of those have been included into the
3 preferred route, which leaves roughly 31 of those
4 alternatives are still on the table, and those are
5 being carried forward to be analyzed as part of the
6 comparative environmental analysis.

7 I do want to go over the schedule a
8 little bit because the way that this project is
9 aligning with the Sandpiper, and in order to make
10 sure that the impacts for both projects were
11 accounted for, as well as to look at the route and
12 segment alternatives that were proposed, the routes
13 for this project will likely be accepted in
14 November. The comparative environmental analysis
15 for both Sandpiper and Line 3 is expected to be
16 released next spring, roughly in March. And then
17 we'll move on to the public hearings and the
18 contested case hearings.

19 Okay. So as we move into our questions
20 and answers and comments, I would really appreciate
21 that we have one speaker at a time. Please state
22 and spell your name for the court reporter, Janet,
23 otherwise she will ask you to do so. Try to keep
24 your comments limited to a few minutes so that we
25 can accommodate everyone and let everyone have their

1 chance to speak.

2 And, again, I would like to remind
3 everyone to maintain some respect here for other
4 people. We are going to have differences of opinion
5 here and let's respect that everyone here tonight is
6 here to provide their comments and their opinions.

7 And, to the extent possible, if you can
8 keep your comments focused toward the scoping of the
9 environmental document, the comparative
10 environmental analysis, that will be most helpful.
11 That's what we actually need in order to get those
12 into that document.

13 So your comments here tonight will be
14 transcribed, they will be entered into the record
15 automatically. If you choose to submit your
16 comments on the comment form, you're welcome to
17 leave those here with us tonight or send them in at
18 your leisure. You can also e-mail them, fax them.
19 And I would just like you to know that if you need
20 any help in working on a route or segment
21 alternative or any additional information, I'm happy
22 to assist you with that and you're welcome to call
23 me or e-mail me and I will help you out.

24 All right. So let's move on to the cards
25 that we already have.

1 MR. LARRY HARTMAN: I have 32 speaker
2 cards. What I'd like to do tonight is call on the
3 first speaker, then I guess a baseball analogy, the
4 on-deck speaker.

5 The first speaker I have is Mr. Terry
6 Larson and the second speaker would be Winona
7 LaDuke.

8 MS. JAMIE MACALISTER: Please come to the
9 front, sit in the chair there. Please feel free as
10 you come up to adjust the mic and make sure that
11 you're speaking so everyone can hear you.

12 MR. TERRY LARSON: How is that? My name
13 is Terry Larson.

14 First of all, it's an honor to be here
15 amongst so many respected elders to be honored here,
16 and someone like Winona LaDuke. And also to be in
17 the company of people who care about our pipeline,
18 and that's evident here by your presence.

19 I grew up a few miles from here. I have
20 land at Itasca Park on the Mississippi. I'm a canoe
21 guide, a fishing guide for a living, and my lake
22 home is on the Cass Lake chain. And, of course,
23 pipelines in our area run through all these areas.
24 As a canoe guide, bringing people from the river
25 that starts at my grandfather's old place in Itasca

1 Park to Cass Lake is a wonderful job. And every day
2 I'm out with people and I think about the safety of
3 them, but I also think about the purity of the
4 resources and how I would like to pass this down for
5 generation after generation after generation.

6 And I know that they have to cross
7 certain things such as rivers, even the lake in Cass
8 Lake, but I hope that this line is looked at with
9 the utmost caution to preserve those resources
10 beyond any fathom of an accident. But I know that
11 accidents can happen, but how are they addressed, it
12 seems like those things are being talked about, too,
13 and I'm concerned for those different procedures to
14 be in place as best as possible.

15 I'd also like to ask the Utilities
16 Commission to please look into what Canada has done
17 about what I'll talk about tonight, mainly the
18 existing line that's going to be abandoned. I think
19 we need to in United States adopt some of the
20 Canadian rules for that and to look at progressive,
21 long lasting ways to deal with our very old in some
22 cases pipeline structure. And when it leaks, it
23 causes problems. At the Mississippi just north of
24 Lake Itasca, it would affect the whole stretch of
25 the river that I call my home and my workplace,

1 which is the first 100 miles.

2 So I really encourage the Utilities
3 Commission to look at some ways that they can work
4 with the United States government and learn from
5 what Canada has done. And this line that's going to
6 be possibly abandoned, in all ways to look at
7 safety. And I'm so concerned about it traveling
8 underneath the Mississippi that flows through my
9 land.

10 And I actually worked pipeline many, many
11 years ago. I worked heavy equipment, I helped even
12 do the new waterworks for this village and the data
13 wash in Mahnomen, but I know how water and other
14 things follow trenches. So I am very concerned with
15 that line that's abandoned, will we have some
16 assurance that water and other materials don't
17 follow that corridor, that dug-up area, into a
18 wetland, to a river, and a lake that could be
19 changed forever, at least many of our lifetimes. So
20 that is my main concern, is that utmost safety is
21 taking place.

22 I really thank you for the opportunity to
23 speak here. And thank you for the meal, that was
24 delicious. We're all in this together, I live on
25 the ocean in the winters now, the Gulf of Mexico has

1 a whole different set of problems now, more than we
2 have in ways, but we all have to deal with things
3 the same as possible and live with the results.

4 So please consider the utmost care and
5 study the issue of abandoning this pipeline and what
6 should be done with it should be what's best for the
7 future of all the generations to come.

8 Thank you for letting me speak.

9 MR. LARRY HARTMAN: And while Winona is
10 getting here, after Winona is completed the next
11 speaker would be Audrey Thayer, T-H-A-Y-E-R.

12 MS. WINONA LADUKE: Can you hear me?

13 (Ojibwe.) Actually, we all know each
14 other, we went through a whole round of hearings
15 this last year. So I had a couple of initial things
16 I wanted to say to you all.

17 First, I'm pleased that you've come to
18 our community. We did not like how the Sandpiper
19 process worked. We did not like the fact that we
20 could not see the maps and we still don't have the
21 complete maps of the Sandpiper route, that we were
22 excluded from that. We didn't like the fact that we
23 didn't have hearings in our communities and it was
24 held in the middle of the winter so we couldn't get
25 there. We didn't like that we were told by the

1 Department of Commerce that they did not have to
2 treat Indian nations, tribal nations, any
3 differently than anybody else. This is not 1889 in
4 Minnesota. This is 2015. And it would be very
5 important for the State of Minnesota to treat us
6 with respect. As people, as individuals, and as
7 tribal nations. So I'm really happy that you're
8 here today because I think this may be the beginning
9 of a process. But it's going to take a little bit
10 of work.

11 I'm going to testify briefly, I obviously
12 only have a couple minutes and I'm aware of this.
13 But also I have testified at other hearings. And so
14 I have a lot of environmental concerns that I would
15 say are kind of like those are the same concerns we
16 have here. But in addition to that, there are some
17 things I would like to say overall and then a couple
18 of specific concerns that I would like to bring up.

19 Are you okay? I'm aware of the fact that
20 I speak quickly.

21 The main thing I want to say is, first,
22 we have all lived in the fossil fuel era. That's
23 the only thing I know. We all live here. And what
24 I want is a graceful transition out of it. I want a
25 way to get out of this so I don't destroy the water,

1 so I don't combust the planet to oblivion, and so I
2 don't poison everything around me because that is
3 not how we as Anishinabe people live.

4 The fact is is that the fossil fuel era
5 needs to come to an end. Your car, for every six
6 gallons of gas you put in, only one gallon actually
7 fuels the engine. That's how efficient fossil fuel
8 combustion is. It's really time to move on.

9 The Enbridge company, with its multitude
10 of assets, for instance, instead of spending \$17
11 billion dollars on new pipelines in Minnesota, could
12 spend \$17 billion on wind energy in Minnesota. And
13 we would probably like them a lot better. That is
14 just a little food for thought. For all of us, that
15 would make us a lot happier.

16 But let me say specifically there are a
17 couple of additional concerns that I need to bring
18 to your attention.

19 First, this pipeline proposal is
20 predicated on abandonment. Another member of my
21 staff from Honor the Earth will speak on that. But
22 the fact is that there is no clear way to abandon a
23 pipeline in Minnesota or elsewhere. And we have a
24 whole bunch of 50-year-old pipelines.

25 My suggestion is that if there are 900

1 integrity problems and 4,000 tests going on in
2 pipeline number 3, a new set of tests going on in 2
3 and 4, it is likely that they will also try to shove
4 those down our throats. We don't like it. We
5 didn't like the first plan and we're not going to
6 like the next four. We need a plan to have Enbridge
7 clean up this old mess before it is allowed to make
8 a new mess. You cannot make pipeline mess after
9 mess and expect us to deal with it.

10 The second thing is that this is where we
11 live. The Anishinabe people are here. We are
12 nowhere else in the world. This is what we have as
13 a reservation. This community is the best tribe
14 community in Minnesota. And the Enbridge company
15 has chosen to put at risk, at threat, that lake and
16 the greatest of the wealth of the Anishinabe people.
17 We cannot move anywhere else. The Enbridge company
18 can go a lot of other places, it's an international
19 Canadian corporation.

20 But in specific, the problem with putting
21 a pipeline here is not only the environmental
22 justice problem of forcing the community which gets
23 the least benefit from the pipeline from bearing a
24 disproportionate impact. Enbridge has stated it
25 will not put a pipeline near 29 and 94, an

1 interstate route, because that would put people at
2 risk. Apparently the Enbridge company does not
3 believe that we are people. This is a problem. The
4 fact is, is that no one has a right to destroy us.
5 As I said, this is not 1889, this is 2015. You
6 cannot destroy us.

7 The second thing is that our community is
8 already under great duress. The Minnesota
9 Department of Health, the Commissioner of Health
10 commissioned a study from the Wilder Foundation to
11 the Minnesota legislature. That study found that
12 Native people had much higher rates of every health
13 impact in this state than the non-Native population.
14 And that that was not associated with genetics or
15 lifestyle choice, it was structural racism. We're
16 denied basic health care. We are continually at
17 risk and a third of the people in this room probably
18 have diabetes. Our rates of suicide are much
19 higher, our health across the board -- depression,
20 alcoholism, heart disease -- all very high.

21 I have long testimony, but what I will
22 tell you is what you know, is that the fact is is
23 that you, if you shove a mega project, which is what
24 this is, down the throats of people who are already
25 sick and under duress and stressed out, people in

1 this community are stressed out because of this
2 project. Enbridge does not lose any sleep over us,
3 but we lose sleep over Enbridge. If you shove a
4 project down our throats, every problem that we are
5 presently facing will be increased dramatically.
6 Suicides go up. Depression goes up. Drug abuse
7 goes up. Heart disease goes up every time you do
8 that. That health problem, our tribe must take care
9 of. The State of Minnesota doesn't take care it,
10 nor does Enbridge, and that is not fair to do that
11 to us again.

12 So what I want to say is that there are a
13 lot of other things you could do. And I'm glad that
14 you came to our community. It is time to not treat
15 us as second class citizens and just run over us.
16 It is time for the Department of Commerce to treat
17 us as humans and not act as if we are some people
18 who live in the north woods that you don't want to
19 hear from. We are a nation and we precede the state
20 of Minnesota.

21 But in addition to that, this pipeline
22 company, and national statistics indicate
23 scientifically a 57 percent chance of a catastrophic
24 accident. You let me know how we are supposed to
25 live if you destroy our lives? There is no way.

1 You know, you are asking us to put this pipeline
2 someplace else. The only proposal we can give you
3 is 29/94. You need to not run it through this land.
4 But besides that, Enbridge should figure out how to
5 clean up their old mess before they make a new mess
6 on this pipeline.

7 And that last pipeline project -- you
8 were at all those hearings, too, Larry -- you shoved
9 that project through here. The Department of
10 Commerce was unconscionable in adopting a
11 certificate of need for a company without letting us
12 even see how much more orders there were. You know,
13 you have to consider the full impact of this
14 pipeline from the beginning to the end. And we do
15 not accept that there was a need for the Sandpiper,
16 we will never accept that, and we also do not accept
17 there is a need for this.

18 Thank you for your time.

19 MR. LARRY HARTMAN: The next speaker
20 after Audrey would be Marty Cobenais.

21 MS. AUDREY THAYER: (Ojibwe.)

22 My name is Audrey Thayer, I'm a member
23 here at White Earth, and I reside in the reservation
24 of Leech Lake over by Cass Lake.

25 And I'm very grateful that there was food

1 and I got to see some of my relatives tonight,
2 there's always a positive. The negative is having
3 to be here and doing what I have to do as a
4 grandmother, as a great-grandmother, and knowing
5 that our income isn't a lot. We rely on the wild
6 rice, we rely on the fish, we rely on our water.
7 We're very, very concerned and have been about what
8 Enbridge is doing.

9 Now, my dad was a union organizer and I
10 know about the blue collar guys. They're good men,
11 they work hard, it's about money. But sometimes we
12 have to look aside about money and we have to think
13 about the environment and we have to think about our
14 water and our plants, our four-leggeds, all those
15 beings that are out there.

16 The natural environment must remain.
17 Let's back this up and stop. I oppose Line 3. I
18 oppose Enbridge. I understand, all I heard tonight
19 again was money, it isn't that tasteful for us who
20 have nothing. But we are rich. We're extremely
21 rich. We have the earth, we have the water, we have
22 our plants. We need to save those things.

23 So I came over tonight just to do my
24 duty, doing my testimony, and caring for our people,
25 the Anishinabe, and for generations to come. There

1 is no money that is going to be able to take care of
2 anything that happens. And I want to hear about the
3 safety of Enbridge, because I already know we have
4 problems up there. We're seeing it nationwide. So
5 let's stop and think about what we're doing and
6 let's not approve this. I oppose it. Miigwech.

7 MR. LARRY HARTMAN: And after Marty, our
8 next speaker is Dawn Loeffler.

9 MR. MARTY COBENAIS: Marty Cobenais,
10 C-O-B-E-N-A-I-S. That was a request of her earlier,
11 as you guys all know who I am.

12 One of the things that actually I would
13 like to talk about here, one of the things first off
14 is safety. We sit and talk about the safety of this
15 pipeline, it's not just the pipelines we're talking
16 about. It's also the tank farms. The tank farms in
17 Clearbrook, as the gentleman from Enbridge stated
18 earlier, that they carry 2.2 million barrels of oil
19 per day through their pipelines. Most of that goes
20 through Clearbrook, Minnesota, which is
21 approximately 20 percent of the U.S. oil consumed in
22 the United States per day.

23 So when you sit there in our world right
24 now, and we have a lot of concerns about safety and
25 terrorism and everything else, and when the State

1 Department calls out and says -- and other
2 jurisdictions in the federal government state that
3 we need to be worried about drones and other
4 homeland security issues, does it really make sense
5 to keep on building pipelines and putting them into
6 one location?

7 We have thousands -- or hundreds of
8 thousands of barrels a day going through this area,
9 but yet we're congregating it all in one spot. If
10 they decide to ever do anything in Clearbrook, the
11 U.S. would be decimated.

12 I've also been down to Cushing, Oklahoma,
13 where they have another tank farm. When 9/11
14 happened, they had F16s circling for that security
15 reason. So does it really make sense to keep this
16 going?

17 In talking with Clearwater County law
18 enforcement, the officers I talked to, they just
19 arrested someone in Bemidji on a criminal sexual
20 conduct charge, but yet on his computer he also had
21 plans to blow up the pipeline. So does that make
22 sense for us to continue building and putting them
23 all in one area? I don't think so.

24 One of the other things they talk about
25 is pipeline abandonment. One, I don't believe in

1 that, that it's going to be safe. Because the other
2 thing is that abandonment, the gentleman earlier
3 said that that's going to be permanently closed, but
4 they also said that for the Pegasus Pipeline down in
5 Mayflower, Arkansas with Exxon. And they decided to
6 put -- that was a natural gas line, they decided to
7 make it into a crude oil pipeline after it had been
8 decommissioned and they started running oil through
9 that and then it burst and we had all sorts of
10 problems.

11 The problem with decommissioning lines is
12 they can also be readministered and put back on line
13 carrying other products. So it doesn't make sense
14 for them to leave it in the ground, it makes it an
15 easier way to for them to send other products
16 through that line.

17 Actually, I have a question for Enbridge,
18 if one of the guys would actually answer it, it
19 would be great. It is, will there actually be a
20 pipeline crossing the border? The Canadian border?

21 MR. ARSHIA JAVAHERIAN: Thank you, Marty.
22 Arshia Javaherian with Enbridge. There will not be
23 new pipeline crossing the border from this project.

24 MR. MARTY COBENAIS: Isn't it a fact, or
25 isn't that one of the things that the Line 67 was

1 using the line, the new Line 3 already?

2 MR. ARSHIA JAVAHERIAN: Line 67 has an
3 interconnection with Line 3 north of the border and
4 south of the border, and the oil from Line 67
5 travels across the border on Line 3 and then goes
6 back over on Line 67 south of the border, yes.

7 MR. MARTY COBENAIS: So you're going to
8 increase the pressure again at the border without a
9 new presidential permit?

10 MR. ARSHIA JAVAHERIAN: We will not be
11 increasing the pressure on Line 3 without a new
12 presidential permit. The pressure currently in
13 Line 3 is carrying 800,000 barrels a day.

14 MR. MARTY COBENAIS: Okay. But you're
15 planning on increasing Line 3 pressure from 390,000
16 barrels a day to about 700. So where is that extra
17 oil coming from?

18 MR. ARSHIA JAVAHERIAN: So the segment of
19 the border in -- across the border has been replaced
20 previously.

21 MR. MARTY COBENAIS: Excuse me, say that
22 again?

23 MR. ARSHIA JAVAHERIAN: The segment
24 across the border has been replaced previously as
25 another project.

1 MR. MARTY COBENAIS: Okay. Thank you.

2 One of the other issues that I have is
3 that with Line 3 with the abandonment issue, is that
4 Line 3 is up in Leonard, which is the home of an
5 encampment, and currently there is a house that sits
6 right above Line 3. And according to PHMSA rules,
7 that is not supposed to happen. There is also a
8 fence across there, which is also not supposed to
9 happen according to their safety officer. But yet
10 it still goes on.

11 And the Red Lake Reservation has actually
12 issued an eviction notice to Enbridge from the
13 Tribal Council to vacate the land and they have not
14 done that yet.

15 One of the other things that they talk
16 about is they want to follow the Sandpiper route.
17 Sandpiper route has not been issued, it has not been
18 permitted. So for them to actually say that they
19 want to build it on this new pipeline route, it's
20 crazy. Matter of fact, the unions, and I'm sure
21 there's many union people here today, they actually
22 say that another route, other than the proposed
23 route, would actually jeopardize the project. And
24 Enbridge has actually said stuff like that, too, to
25 which Enbridge states that if it's another route it

1 would cost them approximately 32 cents per barrel
2 extra to their shippers.

3 I can get into the need of this, is that
4 one of the extra needs that they talk about needing
5 it for was to get this to Superior to the refineries
6 so they can actually ship it on the Great Lakes.
7 And that project has actually been pulled from the
8 record now so there's actually no more need for
9 that. That the shipping company has pulled it and
10 they say that they don't need it anymore. I saw
11 that look on your face of, what, so I thought I
12 better state that.

13 So, in closing, this is just crazy for
14 this project to even go through. There's not a need
15 for it. There's really no need for a new route. If
16 you're going to build it, there's pipeline already
17 in the ground. What they say is they can't do that
18 and they're going to have to work over other
19 pipelines. In Pinewood just on Saturday I saw an
20 excavator sitting on the pipeline that was
21 underneath it, which they are digging up County Road
22 right now, so if they're really concerned about
23 it they'd be worried about their own equipment
24 already.

25 So, thank you.

1 MR. LARRY HARTMAN: Dawn Loeffler. And
2 after Ms. Loeffler, Don Wedll.

3 MS. DAWN LOEFFLER: Dawn Loeffler,
4 L-O-E-F-F-L-E-R.

5 I'm actually a caretaker of a nonprofit
6 environmental center over in Bagley. And I'm
7 against Line 3 for the very simple reason that
8 people don't clean up their messes. I have been
9 told by Enbridge employees several times in open
10 houses that Line 3 is proposed to be replaced
11 because it is flowing at an inadequate rate and has
12 many issues, too many to justify the cost of repair.
13 However, the plan is to empty it, fill it with gas
14 vapor, and leave it in the ground, finding a new
15 route to build a new, better quality, more safe and
16 more frequently monitored pipe. In this process, it
17 also increases the size of the present pipe and
18 increasing its flow capacity.

19 I would like to state that putting a new
20 pipe somewhere else will disrupt the environment
21 once again in a whole new place. The route that
22 Line 3 is presently has already been constructed and
23 doing the same procedure in that place would not
24 counter affect it. It would be better to remove the
25 pipe and clean up whatever the issues are, it has

1 spilled over the years, before replacing it with new
2 pipe. Actually, it would be better for the entire
3 area.

4 I would like to illustrate this for you.
5 If you had a dysfunctional pacemaker in your chest,
6 you would go to the doctor. What if the doctor told
7 you it was no problem, technology has far exceeded
8 what it was when your pacemaker was put in and a new
9 one would be tremendously better, safer, and last
10 longer than ever before. You would be all for it,
11 saying, great, doc, when do we take this out and put
12 the new one in?

13 What if he said, oh, well, we'll just
14 deactivate that one and leave it there. You have
15 plenty of room on the other side of your chest, we
16 will just put the new one there. Would this be
17 satisfactory to do this to your one and old body?
18 One body for the rest of your life? There is no
19 do-over. One question you would have is what if
20 this new one malfunctions? And, of course, his
21 answer would be we don't foresee that ever
22 happening.

23 If this is not acceptable to you, I fully
24 understand. It would not be acceptable to me
25 either. But I ask you, then why is it acceptable

1 for our one and only planet, our Mother Earth? The
2 only one that will sustain not only us but
3 generations and generations to come? There is no
4 do-over here either.

5 I can't help but wonder if Enbridge has
6 made the choice to move Line 3 in part because
7 portions of the existing line is on land that they
8 do not own or have easements to land close to here,
9 in Leonard, land that is Red Lake Nation land, and I
10 believe Enbridge would like to avoid any more
11 opposition from Native Americans.

12 I say leave Line 3 where it is. If it
13 needs to be fixed or replaced, then make Enbridge
14 clean up their mess and make it good. Enbridge and
15 its subsidiary companies are like a child that has
16 not heard the word no in a very long time. They've
17 been spoiled in their demands and expectations of
18 the land and the people's tolerance.

19 I ask -- no, I beg that you say no this
20 time and make Enbridge responsible for what they
21 already have in the ground. Say no and make the
22 statement to them that it is not okay to just walk
23 away and do it again somewhere else.

24 Thank you.

25 MR. LARRY HARTMAN: The next speaker card

1 is Don Wedll, W-E-D-L-L, and after that it's
2 Lucille, and I can't quite read the last name.

3 MR. DON WEDLL: My name is Don Wedll, the
4 last name is W-E-D-L-L.

5 I'm testifying here as a past member of
6 the EPA Senior Enforcement Committee, and also as a
7 former commissioner of the Mille Lacs Band Natural
8 Resource Department.

9 The discussion here of Line 3 I believe
10 comes down to people looking at things and saying
11 the economic benefit of this line, what will it
12 produce. These types of questions will get reviewed
13 and people will talk about jobs and will talk about
14 economic incentives and economic building of
15 infrastructure and the cost to the economy.

16 Line 3, my understanding, is going to
17 transport about 675,000 barrels of Alberta crude oil
18 daily. If you look at this, as it gets refined,
19 this will produce about 344,000 metric tons of
20 carbon released in the atmosphere daily. And if you
21 look at that, over the annual run you will see that
22 it produces about 125.7 million metric tons of
23 carbon in the atmosphere annually. If you use
24 today's present technology to try to remove that
25 carbon from the atmosphere it would cost somewhere

1 around \$75.4 billion annually to remove that carbon.

2 We are proposing to issue a permit that
3 allows this pipeline to be built so that tar sands
4 oil can be transferred from Alberta to refineries in
5 the United States and elsewhere. The environmental
6 cost to the atmosphere and to everyone far exceeds
7 anything that corporate profits will show us. It's
8 kind of a standard process that if you pollute
9 something you should have to pay for that cost of
10 pollution.

11 I know that people would make the
12 argument that it's just a pipeline. But this
13 pipeline is what's being used to transport this oil.
14 It's no different than other options where people do
15 things that are wrong. For example, the tobacco
16 industry. Oh, we're just producing cigarettes.
17 That didn't work out well for the tobacco industry.
18 And we're looking at the same type of issue with
19 pipelines.

20 We're transporting tremendous amounts of
21 material. This is just one line coming through
22 Minnesota. There are four other -- three other
23 lines that are also transporting significant amounts
24 of both tar sands oil and fracked oil out of North
25 Dakota. The cumulative effect of these lines has to

1 be taken into account when the environmental
2 assessment is being done. We won't see the effects
3 of the carbon that's emitted into the atmosphere
4 this year. None of us in this room will probably
5 see that. Maybe some of the very, very small
6 children will, because it will take something like
7 75 years to see the impacts of what this pipeline
8 will transport and transfer into consumable product
9 that will release this carbon.

10 For example, if you smoke cigarettes, you
11 can smoke a cigarette today, but you won't see the
12 effect of that until about 17 years from now. It's
13 similar to what we're doing with the fossil fuel
14 industry. We aren't seeing the impacts, but we're
15 using the fuel that's creating the carbon in the
16 atmosphere today, we will see that 75 years to 100
17 years from today.

18 The next thing I would like to talk about
19 in regards to this is that the Sandpiper, which was
20 approved, certified, the certificate of need was
21 granted for the Sandpiper, there was no review of
22 what this cumulative effect might mean. We are now
23 looking at Line 3, which is following in exactly the
24 same corridor and no one is looking at the
25 cumulative effects. Is that going to bring in other

1 lines, more oil lines through this corridor? These
2 are things that should be reviewed in the
3 environmental assessment document.

4 I believe that there should be an
5 environmental impact statement completed on this
6 project. It is clear that this is a significant
7 activity and the environmental issues it raises
8 certainly would demand an EIS.

9 The next statement I would like to
10 address is the stress on tribal communities. There
11 are two tribal communities that are being placed in
12 the path of this pipeline and this corridor. One is
13 the Rice Lake community here and the other one is a
14 community called East Lake over by McGregor,
15 Minnesota. Both of these communities, based upon
16 the Department of -- Minnesota Department of Health
17 have very high rates of health issues. Health
18 inequity far exceeds that of the average citizen in
19 the state of Minnesota. You are now putting
20 additional stress on these communities by suggesting
21 that this route -- or Enbridge is by suggesting this
22 route should be allowed to proceed and be developed.
23 The result of this stress needs to be taken into
24 account.

25 And I would say with Minnesota and the

1 Sandpiper, the Department of Commerce worked out an
2 agreement that it got additional protections for the
3 state of Minnesota beyond the scope that North
4 Dakota Pipeline Company was going to provide as an
5 LLC. It was a separate agreement that Enbridge
6 became the parent company and assumed some
7 liability. That document has not been released, but
8 it's there and the Department of Commerce has that.
9 It's unknown what that is, but it does exist.

10 Tribal governments have an obligation to
11 protect the health of their people. At the present
12 time, because of the great health inequity, a
13 significant portion of tribal budgets go to health
14 care. Because of this additional stress, they will
15 have to put additional resources from the tribal
16 government into health care issues.

17 When you require a tribal government to
18 adjust its budget for some project that someone else
19 is doing, you are asking the tribal governments to
20 assert jurisdiction over that project. It doesn't
21 have to go through their land, but if you are
22 affecting the tribal people you are asking the
23 tribal jurisdiction to apply for that issue, and I
24 believe that that is the case with this issue.

25 The information is very strong about the

1 health conditions of tribal people, the budgets that
2 tribal governments expend on health care and the
3 additional money that will be required to provide
4 health protection for their people to take care of
5 sickness that will arise from this.

6 Enbridge will not come forth and provide
7 insurance for that, and somehow I believe the PUC
8 should require that Enbridge negotiate with tribes
9 on insurance plans so when these -- these illnesses,
10 these types of stress-related issues are identified,
11 that they have insurance to cover the costs of all
12 these additional expenses that are going to be
13 incurred by tribal people and tribal governments.
14 It's the only pertinent thing to do in regards to
15 trying to implement this project through this
16 corridor.

17 I believe that the Department of Commerce
18 should conduct a full environmental review before it
19 makes any recommendation to the PUC in regards to
20 the certificate of need for Line 3. I do not think
21 that it should proceed as the Sandpiper had done
22 without a thorough review and knowing what
23 conditions apply when you certify the need. I
24 believe it's an error to do so. I believe that once
25 you have certified the need, you will have a very

1 difficult time changing that route, as it was based
2 upon the information that you had as to the route
3 and the certificate of need. So if you proceed to
4 proceed with certifying Line 3 before you have a
5 full environmental assessment, you will have an
6 extremely difficult time trying to withdraw that
7 certificate of need.

8 With that, I will submit my written
9 comments to you, and I thank you.

10 MR. LARRY HARTMAN: Lucille.

11 MS. JAMIE MACALISTER: While Lucille is
12 getting set up here, I would like to make a quick
13 comment on the comparative environmental analysis.
14 To the extent that structurally it will be like an
15 EIS, procedurally, however, it is not an EIS. And
16 one of the differences there is that there is not a
17 draft CEA that is submitted. A CEA, once it's
18 released, will be released into the hearing record.

19 MS. LUCILLE SILK: First of all, I'll
20 just say this out loud, and then I'll do that.

21 Okay. I am Ogigma Obimaguk (phonetic),
22 Anishinabe way, White Earth Band, Mississippi, Bear
23 Clan. And I have to apologize to our people. I
24 don't put my back to our people. But I'll comply
25 with their little rules and sit down in the chair.

1 COURT REPORTER: I wasn't aware of that,
2 so we should change it maybe for the remainder.

3 MR. LARRY HARTMAN: Would you mind please
4 spelling your last name for the court reporter?

5 MS. LUCILLE SILK: For the other people,
6 my Christian name is Lucille Silk, S-I-L-K.

7 Thank you.

8 If you look at our banner in the back,
9 our elders made this banner because we adamantly
10 oppose the Enbridge pipeline. You heard various
11 reasons here tonight why we don't want this
12 pipeline. We, our elder council, I'm the chair of
13 the White Earth elder council, and we passed
14 resolution after resolution. We brought our
15 resolutions here, the last meeting, we brought our
16 resolutions to the National Indian Council of the
17 elders opposing the Enbridge pipeline. As an elder
18 from our White Earth Reservation, I have the
19 responsibility as an elder to protect our children.

20 Now, we have treaty rights. We should
21 not be told that this pipeline can come on our
22 reservation without our permission, without knowing
23 all the issues that are connected with it, the
24 dangers that are to our communities. We are human
25 beings. We have a heart and soul like anyone else.

1 And we will always, at any time, look out for our
2 children and our families.

3 You know, in the past our treaty rights
4 have been broken and we had to sit back and watch
5 that and cry and go through the grieving process.
6 We won't do that again. As elders, we said that if
7 we need to we'll lay down on our ground and they can
8 run over us. They can take our bodies, but they
9 can't take our spirit.

10 We're here. This is our reservation, our
11 land, that was promised to us in return for land
12 that should have been ours. Again, we adamantly
13 oppose this pipeline. And I'm not going to go into
14 all the reasons for that, you've heard many, many
15 here.

16 But coming from our elders and for all
17 our people, you know, as I said, I will not turn my
18 back when I talk to our people. That's the way
19 we've always been. We've always spoke directly to
20 our people and presented our issues in that way.
21 And I felt like this when they said we had to, you
22 know, and made everybody else turn their backs, and
23 that's not okay, and thank you for correcting that.
24 That's the way of our people.

25 And the way of our people has always been

1 to learn what this pipeline would do to us. And
2 we're slowly doing that. I don't know all the
3 issues and the problems connected with it, but I
4 know enough and studied what I have that it will
5 have a great impact on our families in all aspects.

6 So, again, you know, I thank you for
7 hearing what I have to say, but please know that we
8 oppose this pipeline and, again, refer to our
9 resolution that we gave you last time.

10 Thank you. Miigwech.

11 MS. JAMIE MACALISTER: I would just like
12 to remind everyone that we'll need to take a break
13 in ten minutes, so I think we have time for another
14 couple of people before we take our break.

15 MR. LARRY HARTMAN: The next group of
16 cards, I have three people indicating they want to
17 speak as a group, Dawn Goodwin, Monica Hedstrom, and
18 Will Bement. Dawn Goodwin.

19 MS. DAWN GOODWIN: (Ojibwe.) My name is
20 Dawn Goodwin, my English name that was given to me.

21 I'm a community member here. I live on
22 the other side of the lake, near that spring that we
23 brought in water today. That's where I live.

24 I'm here today because this is an
25 important issue. This is the most important issue

1 we are facing today. I'm here because I love my
2 people, I love my community, I love my Anishinabe
3 culture.

4 This pipeline, Line 3, would have great
5 detriment to our land, our water, our health. Whose
6 idea was this? This is not a good idea. I think
7 the wrong people are here today. I think the people
8 that are behind the money should be here facing us,
9 not sending out their representatives. And I want
10 to say one thing to the representatives of Enbridge
11 today. You are enablers. You enable the people
12 that are giving you the money to continue this.

13 Because, wait, this is an antiquated
14 technology with an antiquated system and needs to
15 change. When those other pipelines, Line 3 and the
16 current pipelines that are by Upper Rice Lake were
17 put in, our people were under duress.

18 1956 was the Indian Relocation Act. Our
19 people were being sent out to cities to find work
20 and jobs. Our people were suffering from the
21 fallbacks of the boarding school days. And I
22 encourage you, people of Enbridge and people that
23 support this pipeline, to learn your history of the
24 United States, because we have suffered enough
25 already and we are done suffering.

1 We have started claiming, that's our way,
2 and now we have to stop and fight as we are trying
3 to hang on to every bit and piece of what we have
4 left. And I am consumed by this daily because all
5 those little children we see here today, they will
6 be affected. We need to get away from the me, me,
7 me generation. And like Winona said, we need to
8 gracefully move into another direction away from
9 fossil fuels.

10 I'm going to quickly read some comments
11 that have been written regarding the Line 3
12 replacement. The existing Line 3 transports
13 Canadian heavy crude, otherwise known as bitumen, or
14 tar sands. This bitumen is highly corrosive and
15 significantly damaging to the environment. As
16 evidenced by the 2010 Kalamazoo spill, bitumen is
17 very difficult to clean up in the event of a spill
18 or release. After five years of cleanup efforts,
19 the Kalamazoo and its tributaries are still spilled
20 -- spoiled by the tar sand spill, a/k/a bitumen.

21 The pristine and fragile environment that
22 Enbridge seeks to relocate Line 3 into would be lost
23 to wild rice production in the event of a spill. It
24 is simply too risky to the fragile water sources and
25 the wild rice to permit Enbridge to transport tar

1 sands oil through the preferred route. Enbridge
2 should not be allowed to construct or replace
3 Line 3, and the PUC should deny Enbridge's permit to
4 construct pipelines through the preferred route.

5 The State of Minnesota does not have a
6 responsibility -- have a responsible abandonment
7 plan for the existing Line 3 currently located along
8 the Enbridge mainline. It is irresponsible of the
9 state to permit Enbridge to dictate the terms of
10 abandonment of the existing Line 3. Enbridge's plan
11 to abandon the pipeline in its current location and
12 leave it in the ground is totally unacceptable and
13 should be rejected.

14 Enbridge must be required to secure
15 insurance with the White Earth Nation listed as a
16 named beneficiary sufficient an amount to cover the
17 loss of on-reservation as well as off-reservation
18 resources that will be impacted by the construction
19 and operation of any pipeline within the 1855 treaty
20 territory.

21 Apart from any insurance secured by
22 Enbridge for the benefits of the state of Minnesota,
23 White Earth is independently entitled to
24 compensation for any loss that's sustained by
25 on-reservation communities, as well as for any loss

1 to off-reservation resources upon which tribal
2 members rely for sustenance and to make a modest
3 living.

4 We are in Clearwater County. What part
5 of that does Enbridge not get? We want to keep it
6 clear water county.

7 My mother was an elder and she told me a
8 story. She grew up here in Rice Lake. She attended
9 and went to the wild rice camps that were down here,
10 just down the road from here. And she told me this
11 long ago, long before I learned about pipelines, tar
12 sands, anything, she said, you know what, you know
13 what changed ricing? The automobile. She said
14 since people quit coming by horse and buggy and
15 walking and started traveling by car, it changed
16 ricing forever. And now the automobile, or the need
17 and want for that oil and gas that we think we want.
18 But we don't need it. The automobile is destroying
19 our rice, highly potential. A pipeline spill, just
20 where, that's too much risk for us to take and we do
21 not want this risk.

22 So I want to also talk about -- other
23 people have talked about the health issues. My
24 friend was here this evening, he has a health issue.
25 He has seizures. Tonight being here was too much

1 for him. So I'm speaking up. He needed to leave,
2 he could not be here. This is stressful. So I am
3 speaking for him also, amongst many others that are
4 not here to speak.

5 Like I said, this is not a good idea.
6 Think of all the different areas you're going to
7 cross, the different rivers just in this small
8 portion. We have the Clearwater River. If there's
9 a break along that way, the water would move
10 eastward. The Mississippi, also, the water would
11 move south and east. If there's a break near the
12 Wild Rice River or the lake, the water would come
13 and go westward. So you're affecting us every which
14 way you go, the whole 1855 treaty area. So I really
15 encourage Enbridge to think about and study the
16 history, what those treaties mean.

17 So what I would like to leave you with
18 is, I want to mention that this dual partnership is
19 a conflict of interest between the Minnesota Public
20 Utilities Commission and the Department of Commerce.
21 Money tied to pipelines.

22 Like I said, this is an antiquated
23 process and it needs to change. We need to stop and
24 think and come up with some better solutions. But I
25 will leave you with this today, this is something

1 that comes from my father. As we grew up and we
2 would get money and we would just go out and spend
3 it and have nothing left, but there we would be
4 sitting with our candy maybe, maybe some nice new
5 tennis shoes, whatnot, but spend everything, not
6 worry about what kind of money we were going to have
7 the next day. My dad said, oh, chicken today,
8 feathers tomorrow.

9 So I want you to think differently and
10 I'm going to put a little spin on this. It's money
11 today and poison tomorrow.

12 I would like to thank everyone that came
13 here tonight and I'd like to thank our elders that
14 came here and all the rickers, all the community
15 members and all the little children that were here
16 tonight. This is for you. This meeting is the most
17 important thing for us right now. And I want -- I
18 want this to stop. I want us to stop poisoning the
19 earth and poisoning the people and the animals, the
20 water. Everything is at stake. There's spills all
21 over this continent. We need to be responsible.

22 Thank you.

23 MS. MONICA HEDSTROM: Hi. My name is
24 Monica Hedstrom, H-E-D-S-T-R-O-M, and I work for the
25 White Earth Natural Resources Department.

1 We'd like to welcome you here tonight and
2 I really appreciate the PUC, we brought them out to
3 our land and the lake to see what we are trying to
4 protect here. We appreciate your interest. We are
5 a small division of the tribal government. We are
6 approximately 30 people in charge of a lot of
7 resources. We've got water resources, fisheries,
8 wild rice, environmental management, emergency
9 management, wildlife, ag, forestry, land use
10 management, travel and conservation enforcement.
11 Our division functions on small resources.

12 Most of the managers wear numerous hats.
13 Next to me is the water resources manager who is
14 also our fisheries manager. You'll see that a few
15 people need to take care of a lot of resources.
16 What we don't need is an added battle.

17 If this route is allowed, we will have to
18 change our focus in how we protect and manage our
19 resources. When the pipeline leaks, we'll be at the
20 forefront of that. We also need to be understood
21 that we aren't just protecting the environment, we
22 are protecting our Anishinabe treaty rights and our
23 inherent way of life.

24 It's disappointing that we have to ask
25 for what is right. The State of Minnesota should

1 want to do what is right to make this the most
2 environmental sound location. What's being proposed
3 is both harmful environmentally and culturally. And
4 so I'll speak to you right now about questions of
5 this process. They talk about the environmental
6 scoping process and they had some questions that
7 they wanted answered in the environmental analysis.

8 I believe that the environmental impacts
9 are greater than what you show on the maps. I think
10 that the footprint needs to include all of the areas
11 including the 1855 treaty area. We are concerned
12 about all lands and the adjacent lands. Pollution
13 doesn't know boundaries. The cumulative impacts
14 need to be addressed. According to the U.S.
15 Department of Housing and Urban Development, the
16 project is the aggregation of all geographically and
17 functionally related activities that comprise the
18 project as a whole. This should be your basis for
19 the environmental review, not a bunch of pieces, it
20 all needs to be put together, which includes the
21 Line 3 abandonment.

22 Has this been studied yet? Has a study
23 been developed? And who is going to be in charge of
24 that? The short-term risks, the cumulative risks
25 and the long-term risks all need to be put into this

1 environmental document. The carbon air effects, the
2 effects to overall air quality, and also climate
3 change.

4 The U.S. EPA just released a new fact
5 sheet on climate air quality permitting rules for
6 the oil and gas industry. These need to be looked
7 at.

8 The human impacts, environmental justice.
9 According to the U.S. EPA, environmental justice
10 should show the consideration of actual and
11 potential environmental impacts to people of low
12 income and minority status resulting from the
13 proposed project, and mitigation measures to
14 minimize adverse impacts as much as practicable. It
15 means everybody. It doesn't just mean who attends
16 your scoping meetings, who might happen to check out
17 the website, it means everybody.

18 This project footprint needs to include
19 all traditional areas, including the treaty area.
20 All of Rice Lake is traditional cultural property
21 that has been designated by our Tribal Council so
22 that needs to be considered in your environmental
23 review process.

24 Winona covered the significant health
25 impacts, and I think that goes -- that needs to

1 really be considered. The significant risk to the
2 health of the people of the White Earth Nation are
3 real. The risk of the oil, toxic chemicals, and
4 because of this increased risk of stress-related
5 illnesses in projects of this nature.

6 The significance of wild rice to the
7 Anishinabe people must be at the core of your
8 environmental analysis. The relationship is
9 spiritual and cultural in nature. Wild rice is a
10 gift from the creator. The Anishinabe have been
11 harvesting rice for centuries. If you destroy the
12 rice, you destroy who we are. Even a small leak has
13 far-reaching consequences.

14 Also of significance are medicines,
15 berries, and other things have overall impact to our
16 treaty rights. It is something that must be in your
17 environmental analysis.

18 Government-to-government consultation
19 must take place prior to decisions being made and
20 actually being implemented. There is a trust
21 responsibility, a legal responsibility, and you must
22 be respectful of the tribal law. The natural and
23 physical environment of the Anishinabe people must
24 be considered. Don't just go through the motions
25 while performing this environmental analysis. Be

1 thoughtful of every single citizen and their
2 concerns that are affected by this pipeline project.

3 MR. WILL BEMENT: Hello. My name is Will
4 Bement, B-E-M-E-N-T. And I work for the water
5 division at White Earth. My comments this evening
6 are concerning the Line 3 replacement.

7 The State of Minnesota and Enbridge have
8 not engaged in any type of meaningful consultation
9 with the White Earth Nation with respect to Line 3
10 replacement and have utterly failed to consult with
11 the White Earth Nation before the PUC proceedings
12 involving the Sandpiper Pipeline, which is planned
13 to be located in the same corridor as Line 3.

14 Enbridge and the state have been put on
15 notice that the White Earth Nation and other
16 successors in interest of the 1855 treaty retain and
17 preserve treaty rights as well as on-reservation
18 rights which obligates the state to meaningfully
19 consult with the tribes and respect plans to
20 co-manage the resources that are being affected by
21 the pipeline construction, as well as protection of
22 the resources that will be impacted in the event of
23 a spill.

24 To date, the state has been dismissive of
25 protecting tribal usufructuary rights and the state

1 has failed to engage in meaningful consultation with
2 the White Earth Nation of off-reservation lands
3 located in the 1855 treaty area.

4 A public hearing held in conjunction with
5 the administrative proceedings for the permitting of
6 the Enbridge proposed project is not meaningful
7 consultation. This meeting does not constitute
8 meaningful consultation and does not fulfill the
9 state's obligation to meaningfully consult with the
10 White Earth Nation.

11 Enbridge proposes to collocate the Line 3
12 pipeline in the same corridor as the Sandpiper
13 Pipeline, as well as potentially additional
14 pipelines throughout an area where natural resources
15 are substantially unimpaired.

16 To date, Enbridge has a poor history of
17 contaminating areas where they construct pipelines,
18 and this project puts some of the most pristine
19 waters and beds of wild rice at risk. Despite
20 notice of locating a pipeline throughout the areas
21 of wild rice and despite that wild rice has high
22 relevance to Ojibwe people, Enbridge has chosen to
23 disregard people's interests.

24 The White Earth Nation is concerned about
25 the risk this project presents to Lower Rice Lake,

1 one of the most abundant wild rice lakes in the
2 world, and a lake upon which many tribal members
3 rely for a significant source of nourishment and
4 income.

5 The White Earth Nation has previously
6 notified the State of Minnesota and Enbridge about
7 this risk and raises this risk again.

8 As Monica stated, I do work for the water
9 division for White Earth, and we do have many hats.
10 And I understand the need for protecting this area.
11 As people have said tonight in reviewing the maps up
12 here, they'll see the proposed line will run through
13 several watersheds, one of which is the (inaudible)
14 watershed. If we have a rupture along the line, all
15 the water will flow westward and Lower Rice Lake
16 will be a sponge. So we have to do our best to stop
17 this from happening. We don't want this here, we
18 want to protect resources and the children we have
19 in this area and the future of our people.

20 Thank you.

21 MS. DAWN GOODWIN: (Ojibwe.) Everlasting
22 wind, and I wanted to leave you with this last wind
23 of my voice. We prohibit any more pipelines across
24 our 1855 treaty area.

25 Miigwech.

1 MS. JAMIE MACALISTER: Okay. Let's take
2 a 15-minute break. I'm not even sure what time it
3 is. So we'll reconvene at 9:15.

4 (Break taken from 9:01 to 9:16.)

5 MS. JAMIE MACALISTER: I just need to
6 remind everyone that we've got like 20 more cards
7 left to go and it's after 9:00, so if we can try
8 to speak -- and so Janet can capture it -- but if we
9 can try and keep our comments really to five minutes
10 each so we can get through everyone, we'd really
11 appreciate that. Sorry for that inconvenience.

12 MS. KATHY GOODWIN: Hello. Kathy
13 Goodwin. I'm a district rep for District 2. And
14 I'm here tonight in support of the opposition for
15 Enbridge. And I want to thank, first of all, our
16 drum for being here. I really appreciate that. I
17 also want to thank the Rice Lake community for
18 feeding everybody, a traditional welcome, and taking
19 care of everyone. So that's how we do it and it's
20 the right way traditionally.

21 So my problem that I have is the
22 destruction of our reservation. What are we going
23 to leave for our children? We're going to destroy
24 everything here that we have. Our rice beds, our
25 water, our air.

1 And another thing I'd like to mention is
2 out of respect for our elders. I went with the
3 elders, I am an elder, and I went with them down to
4 the national and put in a resolution at the national
5 elders opposing Enbridge. We need to start looking
6 out for one another. We have to take care of each
7 other. But we have to fight this. And another
8 thing, I believe it should be in policy, we haven't
9 even been approached as a tribal council. It should
10 be nation to nation. That's what we are.

11 We have our rights and they are being
12 violated again. And we need to stand up, all of us.
13 And my respect goes out to everyone here that came
14 and spent this time to testify of what's happening
15 to us as Anishinabe. But I thank each and every one
16 of you that came here tonight.

17 And that's my job, is to do what's right
18 for people and to try to fight what's wrong and
19 what's being imposed on us. So I do respect all you
20 people coming out here.

21 And I want to thank our biology
22 department. You did a good job in representing us
23 and our needs and what we're fighting for. Not only
24 within our boundaries of White Earth, but we have to
25 look further to our 1855 treaty lands. Those are

1 ours. Those are our hunting lands, gathering, and
2 fishing. And those are ours, along with other
3 tribes.

4 So I'm here in opposition to Enbridge and
5 what it's going to do to our people and our future
6 generations.

7 I'd like to give it to Tara.

8 MS. TARA MASON: Okay. (Ojibwe.)

9 I would like to thank everyone for being
10 here tonight and what I just really briefly want to
11 state for the record is that the White Earth Tribal
12 Council opposes any pipelines near our reservation
13 boundaries. We oppose any pipelines near or through
14 or close to or adjacent to any of our rice beds. We
15 also oppose any pipelines through our 1855 treaty
16 area.

17 And as the tribal council, we also expect
18 the Minnesota PUC to adopt a tribal
19 government-to-government policy and to also hire a
20 tribal liaison. They need to start addressing us as
21 a tribal entity and all of the responsibilities that
22 come along with that.

23 So, with that, again, my name is Tara
24 Mason, M-A-S-O-N, and I am the secretary-treasurer
25 for White Earth.

1 Miigwech.

2 MR. STEVE CLARK: Hi. Steve Clark,
3 district rep here at White Earth, on the Rice Lake
4 here. Our lake is down the road here just about
5 three-quarters of a mile. And I'm vice chair of the
6 1855 treaty and we're going to do everything we can
7 to put the block to this monster with no backbone
8 that we call a black snake coming through here.

9 And, also, before I leave here, I want to
10 thank the drum. I want to thank all the cooks,
11 Honor the Earth, Mike Dahl, for the ceremony on Big
12 Bear Landing today. And thank all of our elders,
13 all of our people, and our tribal attorney, Frank
14 Bibeau. Thank you.

15 MR. LARRY HARTMAN: The next speaker card
16 I have is a Nicolette Slagle, S-L-A-G-L-E. And
17 she'll be followed by Michael Dahl.

18 MS. NICOLETTE SLAGLE: Hello. Nicolette
19 Slagle, S-L-A-G-L-E. And I am here as also a
20 representative of Honor the Earth.

21 I am not a native Anishinabe or
22 Minnesotan, actually, I'm from Pennsylvania. And
23 I've been here and working on this project for about
24 two months. And I have to say that I have not had
25 as many migraines in my life as I have since I've

1 been here, trying to keep track of what is going on
2 with this project and trying to understand this
3 process that we're all a part of right now. And I
4 understand that the purpose of this meeting is to
5 help the Department of Commerce fill out their
6 environmental impact statement, or their cumulative
7 or comparative --

8 MS. JAMIE MACALISTER: Comparative
9 environmental analysis.

10 MS. Nicolette SLAGLE: -- environmental
11 analysis, right.

12 So we have a couple questions and a
13 couple issues with the process in general.

14 Primarily, there's already an existing
15 national environmental review process under NEPA,
16 and we are just wondering why the Department of
17 Commerce is trying to adopt a whole different
18 process and not following the guidelines laid out by
19 the NEPA process.

20 MS. JAMIE MACALISTER: As I explained
21 earlier, this process is governed by Minnesota
22 Statute 216G and Minnesota Rule 7852. And while
23 those rules have been adopted for this process, it
24 is the alternative environmental review process.
25 Like I said, it's not NEPA and the National

1 Environmental Policy Act framework, and we're
2 working under the state statute.

3 MS. Nicolette SLAGLE: Correct, but isn't
4 federal statute above state statute?

5 MS. JAMIE MACALISTER: It is when the
6 federal government is involved.

7 MS. Nicolette SLAGLE: Isn't it crossing
8 the 1855 treaty area, which would make it a federal
9 process?

10 MS. JAMIE MACALISTER: No, not to my
11 knowledge, that would not alone make it a NEPA
12 process.

13 MS. Nicolette SLAGLE: Well, I might be
14 mistaken, then.

15 In addition to this is the issue of the
16 Line 3 abandonment. Is that process going to be
17 included in your environmental review?

18 MS. JAMIE MACALISTER: Yes. That
19 currently, as Enbridge has proposed in their
20 application, they will be cleaning the existing
21 Line 3 out and it will remain under the same types
22 of integrity, their management plan as it currently
23 is, and that line is cut off from the new line.
24 There will be no product running through that line.

25 MS. Nicolette SLAGLE: So is it going to

1 be decommissioned or is it going to be abandoned?

2 MS. JAMIE MACALISTER: Well, I think that
3 term, there are numerous terms that are applied,
4 deactivated, decommissioned, abandoned.

5 MS. Nicolette SLAGLE: Because as far as
6 our research has shown, there's not any federal
7 regulations in terms of abandonment, but when a
8 pipeline is abandoned that usually the company gives
9 up any liability for that pipeline. And I saw in
10 their shiny little glossy -- one of their shiny
11 little glossy papers here that they plan to remain
12 responsible for that pipeline forever.

13 MS. JAMIE MACALISTER: Well, I believe
14 that to be the case. Enbridge?

15 MS. Nicolette SLAGLE: So you will then
16 be responsible for any spills from that pipeline
17 that haven't been cleaned up yet?

18 MR. MITCH REPKA: Yeah, thank you for
19 your questions related to the permanent deactivation
20 of Line 3. As Jamie indicated, the plan is to purge
21 the line of product, clean the line, and also
22 separate it from the sources. The line -- the
23 right-of-way that the line is in and the line itself
24 would be monitored yet.

25 MS. Nicolette SLAGLE: Until you remove

1 the other two lines out of service, too?

2 MR. MITCH REPKA: It would be monitored
3 indefinitely. Enbridge is not -- Enbridge is
4 continuing to patrol and to inspect that
5 right-of-way. We'll maintain the line markers,
6 we'll locate the pipeline when One Call locate
7 tickets are called in.

8 UNIDENTIFIED: We can't hear.

9 COURT REPORTER: Something has happened
10 to the entire system. I can't hear everybody like I
11 did earlier.

12 MR. MITCH REPKA: So as I was explaining,
13 the process for permanently deactivating the line is
14 to remove the product from the line, we will then
15 clean the line as well with a cleaning solution, the
16 line will be separated from any sources of crude.
17 Also, the line will maintain the corrosion
18 protection that's currently on the line. There's no
19 difference in how we will patrol the right-of-way or
20 maintain the sections of the line after it's
21 permanently deactivated. We will continue to patrol
22 that right-of-way and maintain the corrosion
23 protection on the line.

24 MR. BARRY SIMONSON: Sorry to interrupt,
25 Mitch. One thing I want to point out, too, is that

1 there are federal regulations through the Department
2 of Transportation, Code of Federal Regulations
3 195.59 specifies the requirements for deactivation
4 or abandonment of an existing pipeline. So Line 3
5 is part of that rule regulation, which is
6 administered by PHMSA, which is the Pipeline
7 Hazardous Material Safety Administration, and also
8 the Minnesota arm of that is the Minnesota Office of
9 Pipeline Safety, which we have to adhere to also
10 during that deactivation process.

11 MS. Nicolette SLAGLE: Does that
12 deactivation process include soil sampling to see if
13 there's any existing contamination in the soils
14 surrounding the pipeline?

15 MR. BARRY SIMONSON: That process does
16 not call out that specifically, no.

17 MS. Nicolette SLAGLE: So what assurance
18 do we have that there's not existing contamination
19 along these pipelines? And through your cleaning
20 process, if this is already a fatigued pipeline with
21 900 some anomalies, how do we know that this process
22 you're using is not going to push any of that
23 existing fluid out into the environment?

24 MR. BARRY SIMONSON: Well, as part of our
25 ongoing integrity management program, in part of our

1 application it states that, and it was alluded to
2 earlier, that we do have planned for the next 50
3 years if Line 3 was to stay in service, around 4,000
4 integrity digs. So there's an ongoing integrity
5 management program which checks the internal
6 pipeline with --

7 MS. Nicolette SLAGLE: So is this part of
8 the integrity management that you had in the
9 Kalamazoo spill that went so well?

10 MR. BARRY SIMONSON: We have ongoing
11 integrity management programs at Enbridge, we have
12 over the years.

13 MS. Nicolette SLAGLE: They go pretty
14 well, huh?

15 MR. BARRY SIMONSON: Okay. We have
16 someone else that can handle the Kalamazoo. What I
17 can tell you is that our integrity management
18 program over the years has increased in terms of the
19 amount of time and dollars we put into our pipeline
20 system so that we can assure that we have ongoing
21 safe and effective operations of our pipelines, not
22 only for the environment, but also for the public
23 safety.

24 MR. MARK WILLOUGHBY: I mean, as Barry
25 stated, that since the Kalamazoo incident Enbridge

1 has invested heavily and increased our integrity
2 management program, as well as our petroleum
3 management leak detection program and our emergency
4 response capabilities and public awareness programs.

5 MS. Nicolette SLAGLE: So if you're
6 improving your emergency response, how will you
7 respond to a spill in wetlands that have no access?

8 MR. MARK WILLOUGHBY: Enbridge has
9 comprehensive equipment that is capable of accessing
10 wetlands, including vehicles --

11 MS. Nicolette SLAGLE: And where are
12 those staged? How long would that take to get
13 there?

14 MS. JAMIE MACALISTER: I do have to
15 interrupt here, partially to remind you that the
16 purpose of these meetings is really not to
17 interrogate Enbridge. I know it's tempting, they're
18 here, you have concerns, but the purpose of these
19 meetings is really to help us scope the
20 environmental document. You know, there will be
21 other opportunities for Enbridge to be asked these
22 questions at the hearings, so --

23 MS. Nicolette SLAGLE: Okay.

24 MS. JAMIE MACALISTER: And also because
25 there are numerous people here that still would like

1 to speak.

2 MS. WINONA LADUKE: Can you clarify when
3 we can ask the questions in a public forum? At what
4 time can we get answers to the questions that were
5 asked?

6 UNIDENTIFIED: Yes.

7 MS. WINONA LADUKE: We actually would
8 like the answers.

9 UNIDENTIFIED: Yeah. This is the first
10 time, we have been totally left out of this process,
11 and that's why we need to know tonight.
12 (Inaudible.)

13 MS. JAMIE MACALISTER: Okay. Then I
14 respect that, and so the question that I then pose
15 to you is, we have a limited amount of time so I
16 need you to figure out, then, what questions are
17 most helpful at this point. If you would like to
18 question Enbridge, I don't think that this is
19 actually the right forum for that. But I do
20 understand that they are here and they're available.
21 So --

22 MS. WINONA LADUKE: Wouldn't the
23 Department of Commerce provide a forum for our
24 community and other communities where these
25 questions can be asked of Enbridge? Because you're

1 asking us to comment on something that we don't have
2 all the answers to because they have not been
3 disclosed. We would like the answers to these
4 questions. The Department of Commerce should
5 provide a forum where Enbridge would be willing to
6 answer and fully answer these questions.

7 UNIDENTIFIED: Yeah.

8 MS. JAMIE MACALISTER: Well, to be
9 honest, I don't know what the procedural process is
10 for that at this point. I don't see that that's
11 something that we couldn't accommodate. However, I
12 just want to reiterate for the record that the
13 purpose of this meeting is really scoping for the
14 environmental document.

15 MS. WINONA LADUKE: Do you understand
16 that it's hard to apply scoping if you don't know
17 the answers to the questions?

18 MS. JAMIE MACALISTER: I do understand
19 that. And you must understand that I am in an
20 awkward position here of trying to maintain and
21 preserve the purpose of this meeting for a document
22 that everyone here wants to have done with
23 integrity, and that is technically the purpose of
24 these meetings.

25 MS. NICOLETTE SLAGLE: Well, maybe part

1 of the scoping process should include public forums.

2 MS. JAMIE MACALISTER: Well, and I agree
3 with that, and part of that is that, you know, in
4 advance of these projects, Enbridge does reach out
5 to the public and perhaps --

6 MR. ARSHIA JAVAHERIAN: I'll just add,
7 Ms. LaDuke, and I think Mr. Bibeau can help confirm
8 some of this. The Minnesota regulatory process, as
9 was noted earlier in those slides with the boxes
10 that were connected, there is going to be public
11 hearings in both the route permit process and in the
12 certificate of need process.

13 This is the scoping process for
14 determining what routes the Commission will consider
15 in the routing process, as well as the comparative
16 environmental analysis in the CN.

17 So I think that, you know, we are happy
18 to answer the questions. We're not concerned about,
19 you know, when we answer those questions. We've
20 been answering questions off the, you know, without
21 microphones all night and we'll continue to do so
22 and are happy to do so. And we'll take phone calls
23 and answer whatever questions you have.

24 But for the more formal process,
25 testimony will be filed in both dockets, there will

1 be public meetings in both dockets, and there will
2 be evidentiary hearings as well. Similar to what
3 was in the Sandpiper process this, again, you know,
4 per statute, is the public information meeting. But
5 we have people here willing to answer questions.
6 But, of course, I think, as Jamie is saying, we're
7 trying to get through everybody. But we're very
8 willing and happy to answer those questions,
9 specific questions you have about process, about
10 deactivation, and about all of that. But we're also
11 looking at nine to 12 months right now through this
12 process and we'd be happy to continue the discussion
13 as we go along.

14 MS. WINONA LADUKE: You should ask those
15 questions on camera and in front of everybody here.

16 MR. ARSHIA JAVAHERIAN: How about we
17 answer that in an evidentiary hearing where it's
18 being transcribed and can be available to the
19 public, as well as the public meetings that we'll
20 have up here, and those will also be transcribed.

21 MS. WINONA LADUKE: I agree people will
22 testify, but in the evidentiary hearings we were not
23 allowed to call or recall witnesses. Each of you
24 testified and then someone else would answer that
25 question. You compartmentalized your answers and

1 that does not work. We actually want full answers
2 so we can disclose it to our community. I would
3 like to have absolute transparency about the
4 decommissioning, something that is the first of
5 three or four pipes that you will leave for us to
6 take care of. We would like some answers. I would
7 like the Department of Commerce to ensure that there
8 is a process for folks in our community.

9 UNIDENTIFIED: We're asking questions,
10 there are one, two, three, four, five, six, seven
11 guys here. (Inaudible.)

12 COURT REPORTER: I can't -- I can't -- I
13 can't hear you, and I want to take it down because I
14 know it's important to you. And I can't hear you if
15 you're not at a mic. And I know it's important to
16 you, so please go to a mic if you want to say
17 anything so I can make sure I can take down what you
18 say.

19 UNIDENTIFIED: What that gentleman there
20 is saying to you is important to the State of
21 Minnesota, to Enbridge, because he's the vice
22 chairman right now of the White Earth Tribal
23 Council. Those three people that you just had up
24 there, they're the strongest reservation Tribal
25 Council White Earth has had in many years. And we

1 will take the State of Minnesota on, we will take
2 Enbridge on, we will have our federal rights looked
3 at. The State of Minnesota can't take our federal
4 rights away. The Commerce Commission, the Public
5 Utilities Commission, none of those people have any
6 right when we talk about our 1855 treaty rights, our
7 federal treaty, our 1876 treaty -- our 1867 treaty,
8 pardon me, but those things are written with the
9 federal government. The State of Minnesota doesn't
10 have any right to step on us.

11 MS. JAMIE MACALISTER: All right.

12 MS. NICOLETTE SLAGLE: Okay. I'll get
13 back to your scoping. Sorry.

14 So we really need to look at the
15 hydrological impacts of this pipeline going through
16 those wetlands. And we would encourage you to look
17 at the ecological economics perspective on this and
18 look at the land that this pipeline, the proposed
19 route would be going through, and compare those
20 impacts to the 22 jobs that -- full-time jobs that
21 Enbridge said they will be creating through this
22 pipeline. Because as we all know here, that the
23 wild rice is the most important economic basis of
24 these Native communities, and it's a huge economic
25 basis of the overall Minnesota economic system. So

1 since you are the Department of Commerce, perhaps
2 you could include some economic analysis in this.

3 One last comment. As far as the
4 decommissioning process goes, I think that we also
5 need to look at where those integrity digs are and
6 how that compares to their cleaning processing and
7 if there's existing contamination in those areas.

8 Thank you.

9 MR. LARRY HARTMAN: Michael Dahl,
10 followed by Ernie Dakota.

11 MR. MICHAEL DAHL: I have to tap it
12 first.

13 (Ojibwe.)

14 Bullshit. Bullshit.

15 (Ojibwe.)

16 I'll talk a little bit in English. I
17 think you get the point.

18 But here's the thing. We invited you to
19 our home. We invited you to our home, and I thank
20 you for finally coming here, Barry, Larry, Tracy,
21 Janet, you've all heard it before. Come to our
22 home. Come see the first line of people and the
23 things that you are going to affect. You are coming
24 here and asking us for something. You want
25 something from us. And what you want us to do is to

1 lay down and let you do it.

2 Our old people, our old people deceased
3 for 20 some generations. I heard our old people say
4 hundreds of years we've riced this lake. I'll say
5 bullshit, we need to all get that right. We got to
6 rice since the dawn of time. Not for hundreds of
7 years. Since millennia. Before when your
8 descendants, your ancestors, thought the world was
9 pissing flat. We already knew it was round. That's
10 how long we've been ricing these lakes. And I'm
11 telling you now, our old people deceased are hanging
12 their head high, proud of my people. Proud of their
13 descendants for standing up and protecting what they
14 did for us.

15 I don't have time to think about me. I
16 don't even time, I'm not sitting here even for my
17 own children. I'm sitting here just like deceased
18 Bug-0-Nay-Ge-Shig. Like that old man deceased, my
19 grandfather, Hole in the Day, he talked to your
20 grandpas the exact same way I'm talking to you.
21 We'll sit down and shake hands. I like visiting
22 with you guys. But when you come to my rice, you
23 come to my land, you come to my people, no, I'm not
24 playing it. I'm not playing it. A long time ago,
25 your people, when they came and asked us for stuff,

1 and the treaties dating back to 1823, was the first?
2 '27.

3 UNIDENTIFIED: '25.

4 MR. MICHAEL DAHL: 1825 was the first
5 treaty. You know what they did? They went and
6 learned our language. They went and learned our
7 land. They came and they learned our ways. And
8 they did, I really believe they came to us in the
9 best way they could. And where you are all
10 mistaken if you think that at that time they gave us
11 something. They didn't give us shit. We gave you
12 something. We gave you land. And when we
13 negotiated that treaty we had to go back and
14 negotiate the treaty we have with our rice,
15 negotiate the treaty we have with those trees.

16 As the caretakers of the land, we told
17 them, these people have come here and they said
18 they're going to help us take care of this land. We
19 renegotiated a treaty with creation to negotiate the
20 treaties of 1825 on. We're done renegotiating.
21 We're done. Because we renegotiated how many times
22 and how many times have we been burned. How dare
23 you come into my home and have no clue how our
24 people live.

25 One of our men here invited you to go

1 see our rice. How many times have I asked you?
2 Could you even tell the difference between rice and
3 a cattail? Between rice and a bullrush? Every damn
4 one of you said no. And here you come to our home,
5 the very thing you've been hearing us talk about,
6 and you couldn't even take five freaking minutes to
7 go a mile and a half away and look at the very thing
8 that's the reason we're here. Shame on you.

9 Well, our own people are sitting up there
10 hanging their heads high and saying you go, my boy.
11 You go, my granddaughter. Your people are sitting
12 there hanging their heads saying I don't know where
13 it happened. Who raised you? Who taught you to
14 come in here and tell us what you're going to do and
15 then not answer our questions? You want to come
16 into my house and put something into my kitchen?
17 And then not tell me what it is?

18 And then you want to go over here where
19 you already put something in the living room and
20 you're going to leave it there and not tell us how
21 you're cleaning it? What the hell are the chemicals
22 that it takes to clean oil? If the oil is so
23 pissing dirty, what does it take to clean it? Have
24 you thought about that? Have you thought about the
25 fact that my old people are sitting here crying?

1 like that. Go to Kalamazoo and drink their water
2 like that. I'm sure you can, after giving Kalamazoo
3 watershed \$75 million to settle. Oh, it's all
4 cleaned up now, 75 million. We've spent this many
5 millions on that. Now let me have a drink of your
6 water. Yeah, I'm being a little dramatic, but I
7 would love to see you do it. Because even the
8 people there won't drink it.

9 And then you, the PUC and the DOC, saying
10 you're here to help us and work with us. Bullshit
11 on that, too. Who in their right mind says, okay,
12 Enbridge, you haven't even finished the Sandpiper
13 yet, we'll go ahead and start Line 3. Who in their
14 right mind says that? Okay, kids. You know what?
15 You haven't cleaned your goddamned room yet, but you
16 can sure go play in the living room now. You
17 haven't cleaned up one freaking mess and you already
18 want to start another one. Who in their right mind
19 says that?

20 We're in the certificate of need process
21 for Line 3. Who needs it? That's what I want to
22 know. Who needs it? Who needs that pipeline? I
23 don't.

24 The State of Minnesota said it before, in
25 the last ten years they have decreased their

1 responsibility and reliability on fossil fuels by 20
2 percent. So Minnesota obviously don't need it. So
3 who needs it? Enbridge does. That's it. Rice
4 don't need it. The deer don't need it. The berries
5 don't need it.

6 I wish you would have went and seen last
7 year when we rode these pipelines, the proposed
8 route. I came across Big Bear Landing and I came
9 across the power line trail on Jackson Road.
10 Jackson Road up here, and we rode it right here just
11 like I did today. You didn't even have the decency
12 to come out and say, wow, Mike has a nice horse.
13 When I rode up Jackson Road last year there was all
14 kinds of bearberries there, not a single berry on
15 it, though. So between the beat of the hooves of my
16 horse, I sang a song. I threw some tobacco in
17 there, some pennies, and I asked the bearberries to
18 come back. Because I remember picking them when I
19 was a kid. Just like I used to pick them along the
20 Alberta Clipper route. I used to pick bearberry
21 there, where Line 3 is. I used to pick hazelnuts
22 there. I used to pick blueberries there and
23 raspberries there. I probably even had a girlfriend
24 or two on that route. I picked dovetails there. I
25 got a turtle there. And when I went to take these

1 two to their inherent right to see where their
2 deceased grandma took their dad to pick berries,
3 they were gone. Gone.

4 Have any of you driven along that trail?
5 When was the last time you got off of your happy ass
6 and walked these pipeline routes and actually
7 literally seen how the ground changes? How many of
8 you have seen what those pipeline routes look like
9 before the pipeline was there?

10 When I was a child there was three
11 pipelines along the road. Now there's seven. Shame
12 on you. Shame on you. That's what this is about.

13 My old people, my dad, a Vietnam veteran,
14 he gave this to me. He carried it in the Vietnam
15 War. The thing he told me is when you hold it, you
16 hold it like this. You hold it like this when you
17 talk to people. I'm still talking. But I'm telling
18 you now, I am telling you now, you try to put your
19 pipelines next to my lakes or through our rice beds,
20 I will hold it here and I'll thump every goddamn one
21 of you in the head. Enough. Enough.

22 We are the people here. We are the ones.
23 You're going to go back to your happy little
24 offices. Put it through your damn backyard. Put it
25 through your water -- oh, wait, you don't have a

1 watershed because your water comes out of a pissing
2 tower. We get our water straight from the pissing
3 ground here. My boys drink the water that their
4 grandpas drank. And I want their children to drink
5 the water that I've drank.

6 You need to stop and think about what
7 you're doing. When you lay your head down tonight,
8 I want you to look -- smile at them, son, wave at
9 them. Those guys right there. You think about that
10 when you lay your head down.

11 What's your name?

12 UNIDENTIFIED: Wabadabadese (phonetic).

13 MR. MICHAEL DAHL: You see that? My son
14 is so Ojibwe he doesn't even know what an English
15 name is. You think about that when you lay your
16 head down. PUC, you take that mental picture and
17 you give that to those five people. That's the
18 bullshit thing here. The fate of our being, the
19 fate of our being, it's not even up to yous. It's
20 not even up to these four. It's up to five people.
21 Five people are determining my fate, are determining
22 my seventh generation's fate. Five people.
23 Non-Indian people that don't know the difference
24 between a stalk of manoomin and a goddamn bullrush.
25 They don't know the difference.

1 Shame on you. Shame on you for coming
2 into my territory and telling my old people
3 deceased, your grandmas and grandpas told my
4 grandmas and grandpas we will help you, we will help
5 you care for this land. You give us this land, and
6 this whole 1855 treaty territory, you can still
7 hunt, you can still fish, you can still gather, and
8 you can still travel throughout these treaty
9 territories. In perpetuity, not until the year 2015
10 when Enbridge decided to put it all in jeopardy.
11 They said in perpetuity.

12 I know half of yous, I remember when
13 Sandpiper started. Barry was one of the first
14 people I talked to. And we remember, it was a
15 casual conversation, he had no idea what a treaty
16 was. None. Lorraine, Mark, who is no longer here
17 had no idea what a treaty territory was. But you
18 sure knew what a reservation was. The Alberta
19 Clipper, you already fucked up. You talked to Leech
20 Lake and Fond du Lac, you didn't talk to us. Leech
21 Lake is our territory as well. And Solway, right
22 over here east of Bagley is Solway. Do you know
23 where that is? Do you guys know where that is? Do
24 you know where that is? That's Solway. That's
25 where your pipes enter our treaty territories of

1 1855. Just a little bit south of Pinewood. Do you
2 know where Pinewood is? Do you know what happened
3 in Pinewood? We do. We're still dealing with it.
4 You didn't even clean that up yet.

5 I was born and raised in Cass Lake, there
6 was a spill there and it landed underneath the train
7 tracks so they left the oil there. Cass Lake is a
8 Superfund site. I'll be goddamned. Those are the
9 people I'm protecting this lake for. People for
10 thousands of years have come to these lakes right
11 here to rice.

12 And the other thing I want the PUC to
13 know is that if we continue to allow the tar sands
14 oil to come through our territories, we're allowing
15 the tar sand lines to continue to tell people that
16 have lived there for thousands of years and they
17 can't even breathe the pissing air. Their water is
18 already gone. Now they can't even breathe. They
19 can't even breathe. You support that. You
20 encourage that.

21 You're telling the people in Edmonton,
22 Alberta, I don't give a rat's ass that you can't
23 breathe your air because I'm going to make a million
24 dollars. You're telling, with the Sandpiper, the
25 people of the Bakken oil fields, I don't care that

1 you can't drink your water. I don't care that you
2 can't shower in your water because I'm going to make
3 money. That's what you're telling them. That's
4 what the PUC is telling them.

5 We need another pipeline like we need
6 another hole in the head. You think about these
7 things. Think about them. And like my grandpa
8 said, it's not enough to just sit there and think
9 about it. Do something. You're a plant person, for
10 Christ's sake. A plant person. You're an
11 environmentalist. Lorraine, you went to school for
12 environmental. For God's sakes. You guys have
13 environmental specialists. How did you do it? How
14 did you get somebody who went to school out of love
15 for the environment to change? Probably the same
16 way you got a couple of Indians who are the
17 caretakers of the land to change their spots, to
18 give up on their people, to turn their back.

19 This is all you're going to hear from me.
20 Maybe East Lake. Because foolishly, August 27th,
21 we're all getting together at my grandpa's old
22 village. Hole in the Day's village, we're all going
23 to get together and we're going to rice there that
24 day. While at the same time me and my sister are
25 going to be riding horses that day. You can't lie

1 to me and tell me that nobody knew that. I know you
2 guys. I know that you know what we're doing. Maybe
3 you guys personally don't, but somebody at Enbridge
4 knows.

5 So maybe I'll get off of my horse that
6 day and I'll come see you in East Lake, and ask you
7 what color are my son's eyes? What color shirt did
8 he have on that night that you looked at him? Did
9 you go see what rice looks like yet?

10 Enough. You've heard our people. I'm
11 done. I am so done. Because obviously you guys
12 don't listen. I got asked today why are you doing
13 this? Why are you doing this? Because I know we're
14 right. I wouldn't take on the fight if I didn't
15 know I was right. I'm not going to do that. I know
16 I'm right. I know our people are right. I know
17 that. Well, do you think you'll win? I know we can
18 win. I know we can. But I don't know if we will.

19 Because all I've got to present to the
20 PUC isn't a bunch of big old fancy words,
21 statistics. I sure the hell don't have any money.
22 And if you run your pipeline through here I won't
23 have any rice either to even stay here. But I got a
24 lot of passion. And I got a lot of fight. And for
25 the 20-some people that you heard sitting here

1 today, for every one of us there's another 500. We
2 are prepared. To us, we are at war.

3 We are prepared to defend our land. And
4 here's the shit kicker, and none of you guys are
5 going to show up there on the shore of Rice Lake,
6 ain't none of you going to be in Solway when you
7 cross into our territories. It's going to be us
8 people. I've had enough.

9 The statistics have proven this is a dumb
10 idea. The science has proven this is a dumb idea.
11 Our legend, our way, has proven this is a dumb idea.
12 And I know our ways, because when I rode by the
13 bearberry over there, asking the berries, the
14 bearberry plant to produce berries again, because
15 it's medicine, guess what's showing up over there on
16 Jackson Road? The bearberry plants have bearberries
17 on them. That's the power of our way. We can talk
18 to creation and creation will listen to us.

19 That's what I have to offer. And I know
20 we're right. I know we're right. Stop and think.
21 If I were you, I mean, really, really, this is the
22 one question I have for you that I want an answer
23 to, and then I'll get off my horse again,
24 metaphorically speaking. I want to know, can you
25 guarantee, can you guarantee 100 percent -- not

1 99.9993 percent safety percentage? Can you
2 guarantee me 100 percent that his great-grandchild
3 will have rice on these lakes? Can you? Any of
4 you? It's a simple yes or no question. You can
5 even nod your head so she won't have to worry about
6 typing down that you said yes. Just between us, guy
7 to guy. Yes or no? Can you guarantee it? You
8 don't even have the balls to try and answer the
9 question.

10 I'm done. I'm done. Go home.

11 MR. LARRY HARTMAN: The next speaker is
12 Ernie Dakota. Is Mr. Dakota here?

13 The next speaker card I have, then, is
14 Jeff Gurske.

15 MR. JEFF GURSKE: Hello. My name is Jeff
16 Gurske.

17 I'm here, first of all, to thank the
18 tribe for their hospitality, the meal. And I wish
19 you the best on the routing of this pipeline. But
20 I'd just like to say that I personally, I work with
21 the Minnesota pipe trades and represent some of the
22 workers that will be working the pipelines and I do
23 support it.

24 Again, I have the utmost respect for your
25 passion and your courage to keep fighting for the

1 environment, the people that are against the
2 environment, and I do support that as well. So
3 without your input and passion there maybe would be
4 a lot of worse things that will be happening. So
5 thank you for that.

6 And I'd like to yield, so any other
7 tribal members who want to come up and speak, I
8 don't want to take any more time.

9 Thank you.

10 MR. LARRY HARTMAN: The next is Denise
11 Guinm, G-U-I-N-M, I believe.

12 UNIDENTIFIED: She's isn't here.

13 MR. LARRY HARTMAN: Denise has left?
14 The next speaker card I have is Ashley
15 Martin.

16 UNIDENTIFIED: She also left.

17 MR. LARRY HARTMAN: Melanie Melmo
18 (phonetic).

19 MS. MELANIE MELMO: My name is Melanie
20 Melmo, and I'd like to start off with saying earlier
21 today we had went out and seen the rice -- I forget
22 your name.

23 MS. JAMIE MACALISTER: Jamie.

24 MS. MELANIE MELMO: With Jamie. And one
25 thing that really hit me was her and Winona were

1 talking and she says to Winona, she says, you know,
2 one thing -- one piece of advice I'd like to give
3 you is to propose a different route for the
4 pipeline.

5 What I want to know is how you can expect
6 us to propose something that we don't agree with at
7 all? You want us to poison something that we love.
8 We all love it. It causes -- there's so much
9 emotion here right now, you have no idea. My
10 brother had a seizure in here today. Did you know
11 that? He had a seizure thinking about what are we
12 going to do? We live off the land. He asked me, we
13 live off the land, we've always lived off the land,
14 what are we going to do?

15 Everything, everything we have talked to
16 today is sacred to us. It's sacred to us. Water is
17 sacred to us. Water is life. What are you going to
18 tell your kids when that life is gone? Possibly
19 poisoned by something that you have done, what are
20 you going to tell them? Nobody has an answer?
21 Unbelievable.

22 We are a people of empathy, compassion.
23 We're very caring. We would take any one of you
24 into any one of our homes if you ever needed it.
25 And you can't even answer our questions? I'm done

1 speaking.

2 MR. LARRY HARTMAN: The next speaker card
3 I have is Robert Shimek, S-H-I-M-E-K.

4 UNIDENTIFIED: He left.

5 MR. LARRY HARTMAN: He's left?

6 Anita Rayes, R-A-Y-E-S.

7 MS. ANITA RAYES: Tap it first.

8 To the representatives of Enbridge, you
9 speak a lot about things but you forget what is most
10 important to our people, and that is life. That is
11 the people. You talk about the jobs that will be
12 there that are temporary. And for any one of us who
13 took those jobs would be like loading a gun at the
14 heads of our children.

15 As for the Public Utilities Commission, I
16 asked you to visit the areas of leaks and spills so
17 you can see firsthand the damage and destruction and
18 talk to those people that have been affected
19 directly by those leaks and spills.

20 And the thing I got to say to Enbridge,
21 you can't buy us. You need to take your glass beads
22 and go home.

23 MR. LARRY HARTMAN: The next speaker card
24 I have is Deborah Warren.

25 UNIDENTIFIED: She went home.

1 MR. LARRY HARTMAN: David Barnett.

2 MR. DAVID BARNETT: Thank you for
3 allowing me to come and comment tonight about this
4 project, and thank you for the hospitality, the food
5 and the hospitality you've shown us while we've been
6 here.

7 My name is David Barnett, B-A-R-N-E-T-T.
8 I represent the welders, pipefitters, and the
9 helpers who will ultimately construct this project
10 if it's approved.

11 This project means much to not only my
12 members, who I hope over 400 will receive good
13 paying jobs from this specific project, and as the
14 United Association representative, I also represent
15 500 to 1,500 workers in Minnesota refineries at any
16 given time. So it reaches much further than just
17 one project.

18 If we didn't drive cars, we wouldn't need
19 gasoline. If we didn't need gasoline, we wouldn't
20 need oil. The truth is we all drive cars, we all
21 use gasoline, and we all use oil. That's why this
22 line is needed, to supply America with oil from the
23 best supplier that we have in the best way and
24 that's Canada.

25 There are other nations that we buy oil

1 from, a considerable amount of oil, that are
2 considered the dirtiest oil-producing nations on the
3 planet. And yet we want to resist buying it from
4 our best ally and our best neighbor.

5 Without getting too deep into that, I
6 just want to express that these jobs are very
7 important to my members, that's why I'm here. I
8 understand your concerns about your water, we don't
9 want your water polluted either.

10 We want to build the best quality
11 pipeline that can be constructed to today's
12 standards if it is approved. And it is my hope and
13 my prayer that going forward we can build a 100
14 percent leak-free pipeline.

15 Thank you.

16 MR. LARRY HARTMAN: The next speaker card
17 I have is Bill Crowell.

18 MR. BILL CROWELL: That's me, but I'm
19 going to yield to Frank Bibeau here,
20 cause (inaudible) --

21 MR. LARRY HARTMAN: I have a speaker card
22 for Frank, if that's who you're referring to.

23 MR. BILL CROWELL: Okay. Hello, folks.
24 Thanks for coming. I'm Bill Crowell, White Earth
25 and Rural Gull Lake/Mississippi Band, 60 years on

1 that comes from that spring over here, when I was a
2 little kid, just over the buckthorn hill, Long Lost
3 Lake, one of the cleanest lakes in the state of
4 Minnesota. My dad had a sister-in-law, and the 4th
5 of July we had a family picnic. We pumped the water
6 and it would make your teeth hurt. Clean, pure
7 water. That's no place for a pipeline, no place for
8 dirty tar sand oil.

9 And I won't stand for it. Our RTC won't
10 stand for it. And the thing is, it's a joke, when
11 the Minnesota Public Utilities Commission, on our
12 White Earth Reservation, which, by the way, State of
13 Minnesota, it's 36 miles square, you might think you
14 stole three townships from us, that's bull crap. It
15 would have taken an act of Congress to do that, not
16 some off behind-the-door deal with the State of
17 Minnesota. It would have taken a federal act of
18 congress. That's why our treaty rights are with the
19 federal government, they're not with the State of
20 Minnesota. You don't have any right to trample on
21 us. We get our rights from the federal government.
22 The State of Minnesota has no business in that.

23 I tell people, when Becker County went
24 and stole some of our trees, I said go over to
25 Tamarack River and try that, it's the same federal

1 government, you know. I'm not bashful. A lot of
2 our people I am proud of that got up to speak
3 tonight, it's hard for them, you know. But I'm not.
4 I'm not bashful. Especially when I talk to the
5 State of Minnesota.

6 'Cause I don't pay state taxes. I live
7 in White Earth. I live and work in White Earth. I
8 don't pay state tax. You people don't affect me.
9 And when you come here as the Public Utilities
10 Commission, or like you, with the Chamber of
11 Commerce, I don't think the Chamber of Commerce
12 should have anything to do with Enbridge building
13 the pipeline. That's me. That's me speaking for
14 White Earth. Because I have a real problem with,
15 you know, Chamber of Commerce, they need money and
16 these guys got a lot of money to hand out. I don't
17 think you people should have been involved in the
18 process at all. You know, I think maybe there might
19 have been some checks cut there, you know. And when
20 you stand up here and you tell somebody, you know, I
21 have a real problem with that. You know, you have a
22 circle of cash from these folks. I don't have any,
23 and I'll tell you why.

24 In 2008 I worked out in the oil fields.
25 I seen the fracking and the water and the junk, you

1 know, I've seen this stuff firsthand. And I've got
2 some health issues to show for it. But that's a
3 long story and it's not for here tonight.

4 But I just want to say that our strong
5 reservation tribal council will take you folks on.
6 We'll find the right lawyer, we'll find the right
7 federal law, and we will stop this thing. I'll
8 guarantee you that. I'll spend my last dollar
9 fighting you folks on this deal.

10 Thank you.

11 MR. LARRY HARTMAN: The next speaker card
12 I have I believe is Marvin Manypenny. And he'll be
13 followed by Gerald Libbey.

14 MR. MARVIN MANYPENNY: (Ojibwe.)
15 Anishinabe. (Ojibwe). My colonial name is Marvin
16 Manypenny, M-A-N-Y-P-E-N-N-Y.

17 I think one thing that's totally
18 misunderstood, we have a representative here from
19 the -- what? Department of --

20 MS. JAMIE MACALISTER: Commerce.

21 MR. MARVIN MANYPENNY: -- Commerce, and
22 the State of Minnesota. And it kind of baffles me
23 that you're dealing with a sovereign people here,
24 and by that I mean ascendants (sic) of the treaty
25 signers, we take a look at 1795, the Treaty of

1 Greenville; 1825, which I believe was already
2 mentioned; 1826, your government representatives and
3 our government representatives, who were recognized
4 as absolute sovereigns, negotiated treaties. There
5 was no state of Minnesota. And we carried on that
6 heritage.

7 Look at your constitution. What does it
8 say? Article I, section 2, clause 3 says -- it
9 talks about representatives in Congress. Ever read
10 it? High school? It says about representatives,
11 excluding Indians not taxed. What does that mean?
12 You're a lawyer, what does that mean? Huh?

13 The 14th Amendment, section 2, it says
14 excluding Indians not taxed. Who is that? What is
15 that?

16 That's who we are. Whether you believe
17 that or not. We're the ascendants (sic) of those
18 treaty signers. That isn't taught to you in the
19 history, but that's who we are. Article 6 is a
20 supremacy clause, right? Or am I wrong?

21 MR. ARSHIA JAVAHERIAN: I think you're
22 right.

23 MR. MARVIN MANYPENNY: Yeah. Treaties
24 are to be the supreme law of the land. Huh? Oh.
25 How we forget.

1 But why we are so concerned here is the
2 State of Minnesota did not come to the sovereign
3 people and say this is what we're going to do.
4 Enbridge didn't come to us and ask our permission or
5 consult with us. There was no consultation with the
6 people themselves to give a yes or a no. But it
7 seems it's always like that. No consent.

8 I just want it understood that we, as a
9 sovereign people, are in total opposition to this.
10 And I'm not just talking about White Earth, I'm
11 talking about the other reservations that are
12 affected by this.

13 And we need to say no. We need to
14 protect our way of life. We are supposed to be able
15 to make a modest living out of what you're trying to
16 destroy here. And I believe it will be destroyed.
17 You can't guarantee that what you build, like the
18 man said, you know, we'll do our best, or the best.
19 Well, your best isn't good enough because it doesn't
20 work that way. There's going to be spills. And if
21 you put that through here, especially here, it ruins
22 our lakes.

23 And what more can we give? We've already
24 given so much. This is our home. You know, did you
25 understand, you know, Mike, when he talked to you in

1 our tongue? Did you? Frustrating, isn't it?

2 All I'm trying to say is that we don't
3 want this. We are who we are, we will maintain that
4 forever. That's our position, in opposition to
5 this.

6 Miigwech.

7 MR. GERALD LIBBEY: My name is Gerald
8 Libbey, my Ojibwe name is (Ojibwe).

9 I'm pissed off sitting here listening to
10 all this bullshit about the pipeline coming through
11 our reservation. This is saddening to my heart. I
12 grew up here all my life. Riced on that lake right
13 over here since I was five or six years old. I
14 depend on that lake year after year, for a new car,
15 clothes for my kids, food for my family, wild rice
16 to give away for gifts. I can't give nothing else,
17 that's all I got to give now.

18 Recently, I got a United States Court of
19 Appeals, Eighth Circuit Court, they just recently
20 affirmed, a gentleman over there said you always had
21 this, I didn't know this, till the Eighth Circuit
22 come out and reaffirmed it. And I'll read this in,
23 part B.

24 In more recent years, courts have
25 determined that treaty reservations of usufructuary

1 rights to the Chippewa Indians remain in effect --
2 in effect, not otherwise -- the Leech Lake Chippewa
3 Band -- and the Leech Lake Band sought a declaratory
4 judgement that the State of Minnesota could not
5 regulate fishing, hunting, and gathering wild rice
6 within its reservation. The United States, also a
7 plaintiff, contended that the treaty protected
8 rights to hunt, fish, trap and gather wild rice are
9 property rights to be used in whatever fashion the
10 Indians, as owners, desire, whether to eat, clothe,
11 or sell.

12 We're the owners, people. What the hell
13 is wrong with you guys out there? That you can
14 cross the owner's land? How would you like it if
15 somebody come across you guys' property and land
16 with an oil line, a pipeline, huh? You wouldn't
17 like that too much, would you? I'm sure you all own
18 land, I know you all have kids, have families.
19 Don't you guys even think about their future or
20 anything like that? Or do you just think about the
21 mighty dollars that they give you? I know you guys
22 are getting paid a lot of money to sit here, you
23 know. Big money, you know.

24 And I'll start again. The United States,
25 also a plaintiff, contended that the treaty

1 protected rights to hunt, fish, trap and gather wild
2 rice are property rights to be used in whatever
3 fashion the Indians, as owners, desire, whether to
4 eat, clothe, or sell.

5 Eat them, wear them, sell them, or trade
6 them, or what we want to do. This is the way it was
7 for our treaty rights here, before Minnesota was
8 even established. You guys weren't even here. Now
9 you're here, state of Minnesota is trying to put
10 more rights -- more restrictions on us than we
11 already have. We're most -- how do I want to say
12 this? I don't know, you guys want to go after us,
13 we're the first people here, you know. When you
14 guys arrived here on the Mayflower, who was here to
15 help you guys? We saved you guys' ass. In return,
16 what did you guys do to us? Rip us off.

17 The same thing is going on here today.
18 It's terrible, it's wrong. Do you guys got no
19 conscience at all? Come on, now. You guys all got
20 hearts, use them. You got family, you got kids.
21 Like Winona said, water is more important than oil.
22 It always will be. Just a few years down the road
23 from now it's going to be contaminated if you guys
24 put that pipeline through here across our main wild
25 rice beds. Not only that, the Mississippi River.

1 That Mississippi goes all the way to the Gulf of
2 Mexico. Do you know how many people rely on that
3 water for irrigation? Not only Native people, but
4 non-Native people that really rely on the
5 Mississippi. That pipeline is going to break and
6 will contaminate, it'll flood the whole Mississippi
7 from here to the Gulf of Mexico.

8 Please believe me, this is the truth.
9 You guys know it. Take that back to your
10 representatives. I wish you would, and talk them
11 out of this pipeline, or put it on a different
12 route.

13 Miigwech.

14 MR. LARRY HARTMAN: We have seven more or
15 six more speakers in about 20 minutes.

16 The next speaker card I have is Jerry
17 Libbey.

18 UNIDENTIFIED: That was Jerry Libbey.

19 MR. LARRY HARTMAN: Dennis Jackson.

20 MR. DENNIS JACKSON: I was wondering if I
21 could show a picture on my phone to these guys and
22 to you, too.

23 MS. JAMIE MACALISTER: Sure.

24 MR. DENNIS JACKSON: This is Rice Lake,
25 2013 (inaudible). I'd just like to say that my

1 family is against this. I'm from White Earth. And
2 that our rice, it can adapt to a lot of things, it
3 adapts to deep water, it adapts to shallow water, it
4 is even adapting right now to the sun beaming too
5 hot. And they cannot adapt to this oil. If a spill
6 does happen, one spill happens, it will not adapt,
7 we'll be done.

8 That's all I want to say.

9 MR. LARRY HARTMAN: Next speaker,
10 Mr. Leonard Thompson.

11 UNIDENTIFIED: He left.

12 MR. LARRY HARTMAN: Is he gone? Thank
13 you, Frank.

14 Frank. And after Frank, it's Teresa
15 Sayers, S-A-Y-E-R-S.

16 MR. FRANK BIBEAU: Good evening. I want
17 to say I'm very impressed with everybody's words
18 this evening because it really in some ways doesn't
19 leave much for me to have to say. And for the
20 people that Michael was referring to, you see myself
21 and Michael at the PUC from time to time, I'm glad
22 that everybody is getting to see the people that we
23 represent and the concerns that we try to relate to
24 the PUC. Because it's hard to express all of these
25 things. And it's very important that you hear it

1 from the people who live here.

2 I would tell you, and I was joking about
3 this before I came here, but in a sense I'm from the
4 future. It's the bad future. I live in Ball Club
5 on Highway 2. I'm a Pillager, but I'm enrolled at
6 White Earth. This pipeline will be abandoned on
7 Highway 2. I am more concerned about that than this
8 well-built pipeline by all these union workers and
9 everything else. That is really the biggest fear.
10 And then the second biggest fear is the next
11 pipeline, and the one after that.

12 So, in a sense, I'm 50 years ahead of the
13 danger and the risk that is inevitably going to
14 happen. That is the real concern, is that 50 years
15 from now everyone here will be in that same place.
16 And you'll be talking about the various pipelines
17 that are trying to be put through the place.

18 I've been participating as an attorney
19 representing Honor the Earth at the PUC against the
20 Sandpiper. I'm here tonight as an individual, as a
21 tribal member also in White Earth, even though I
22 live in Leech Lake, and I don't know what they say
23 about Pillagers over here when I'm gone, but that's
24 how it is.

25 And this is very important. And I want

1 to say that I think in many ways this is more of a
2 hoax than the Sandpiper. Because the Sandpiper
3 certificate of need has been granted, and while we
4 have a few days to make our motion for
5 reconsideration, this will just simply piggyback on
6 that. And if we're not able to stop the Sandpiper,
7 this is essentially a done deal, it's window
8 dressing for people to come visit. That's why it's
9 easier to come to Rice Lake this time. If it would
10 have been a year and a half ago, it would have been
11 a different thing that happened and we might have
12 solved the Sandpiper by now. Because the people
13 haven't been consulted, and that's the real concern.

14 But I can see that the people here are
15 very well spoken and very well educated on what our
16 treaty rights are. And I'm inspired and feel very
17 good about the future and the arguments I have to
18 make because I get tired. I get tired like Michael
19 talks about, not when he talked when you couldn't
20 understand him, because it's frustrating and all you
21 can do is almost make facial gestures, and hand
22 gestures because the words that I say don't seem to
23 make any difference. And I say them like you guys
24 say them. I heard the same words, but they don't
25 seem to be heard in St. Paul. And I don't think the

1 people in St. Paul are concerned. I think they see
2 us as their backyard, whether it's to put the
3 pipeline through or come and get our fish or
4 anything else. So that's the real problem here.
5 And that's what we're going to see.

6 And I don't think that they understand.
7 And I'm not just talking about Enbridge, I'm talking
8 about the State of Minnesota. Just what federal
9 rights are being infringed on at this point in time?
10 And depending on what happens with the State of
11 Minnesota, there may be other kinds of actions that
12 come from the federal government in response.
13 Because we have been very cooperative, too
14 cooperative, and we can't be anymore. That is the
15 real problem.

16 You're in for a penny, you're in for a
17 pound, and we just can't do it anymore. And so when
18 I listen to everybody here, I know that everybody is
19 very serious. I would try to find some other place,
20 period. We suggested down 29 in North Dakota, and
21 get to the river, you can cross the state south of
22 94, you'd be out of our territory. You put that
23 risky pipeline on the interstate where you don't
24 have to take land from any individual because it's
25 all wetlands. Everybody knows where the wetlands

1 are, and all of your emergency equipment in large
2 communities that need that equipment when they have
3 fires and disasters.

4 We know that when we have a disaster out
5 here, it'll be us who finds it. And it'll be us who
6 has to clean it up. That's how it's going to be.
7 We know what's going to be left to us. The pipe
8 will get fixed and the money will flow again to
9 somebody else. Our future is very certain. We've
10 seen it all over the planet. It's here again today.

11 So I'm very appreciative of everyone
12 coming here today and saying what's being said.
13 Because sometimes I forget and so I learned tonight,
14 too.

15 Thank you very much. Thank you.

16 MR. LARRY HARTMAN: The next speaker card
17 I have is Mrs. Teresa Sayers, S-A-Y-E-R-S. Is
18 Teresa here?

19 UNIDENTIFIED: She left.

20 MR. LARRY HARTMAN: If she's not here, I
21 have two more speaker cards. And it's Winston and
22 Karen Wadena. I don't know if you want to speak
23 separately or together?

24 MS. KAREN WADENA: I brought a picture
25 along of some of my relatives. They're truly my

1 relatives because they act just like my relatives.
2 Some of them didn't want to come. Some of them were
3 afraid to leave their homes. And some of them said
4 they'd take too long to get here and it would be all
5 over with by the time they got here anyway.

6 I'm speaking for those that don't have a
7 direct voice. The ecosystem that people talk about
8 is very precious. It's probably the most precious
9 thing here. Maybe because they will be affected
10 first. I heard somebody saying that they prayed. I
11 think that you need to understand that when you
12 pray, don't only pray for the two-legged, but pray
13 for the four-legged, the ones that crawl, the ones
14 that swim, and the ones that fly, because they were
15 on this earth before the man was.

16 I know what it's like to be non-Native.
17 I went to an all-white school when I grew up. I
18 know the chain of command that you must listen to
19 and you truly do not know freedom. You have to do
20 these things because your job requires it, otherwise
21 you wouldn't be doing things like you do.

22 The rice is different to us. I think you
23 heard enough about rice, I think you heard enough
24 about water, that if you don't get it this time,
25 you're probably incapable of getting it. All this

1 stuff that you are taking all the way to Duluth,
2 what are you going to do with it? Is it going to a
3 refinery? Are we going to benefit from it? I don't
4 think so. You know that we're not going to benefit
5 from it. We don't need no ugly old pipeline going
6 through our most precious place.

7 I don't know how you can sleep at night
8 knowing all the people that were here tonight and
9 all the people that weren't here tonight. This is
10 ridiculous. We don't need to have our meeting, we
11 just don't want you here. No is no. What part of
12 it, like Mike said, don't you understand? We don't
13 want you here. We want you to go away. Put your
14 pipeline someplace else. Go away.

15 It's an insult, like an action, and all
16 of a sudden you're coming through our sacred land.
17 It's almost like you guys are ridiculous to think
18 that we would agree on such a thing. That's why you
19 didn't go to the RTC, because you know they would
20 say no. But you thought if you propped everything
21 and got it all ready that it would be okay. And
22 it's not going to be okay.

23 I'm older now. I remember. I remember
24 how it is to live in the non-Native world. I lived
25 in two worlds. I know what the non-Native world is

1 about. We don't want you here. We want you to go
2 away.

3 It's too bad that you measure your wealth
4 with a money sign. But that's your problem. The
5 land is virtue, and once you ripped it up, you can
6 never, ever, ever have that ecosystem again. Ever.
7 It'll be gone forever.

8 So what's your problem? Making big
9 bucks? Shame on you. To sacrifice all those
10 innocent animals that never did a thing to anybody,
11 but just what they were supposed to do, reproduce
12 and live on this earth. I'm really ashamed of you
13 guys, grown men.

14 Thank you.

15 MR. WINSTON WADENA: Winston Wadena,
16 W-A-D-E-N-A, Senior. I sat here all night long,
17 talking about treaty rights and what goes on here,
18 how things were established, what's going on with
19 them trying to push this pipeline through. You got
20 to go back and you've got to kind of look at our
21 treaty rights that are in violation. Everybody kind
22 of looks at that and tries to ignore it because the
23 state overlooks it, obviously, because they're
24 allowing it to go through. And this is even
25 beforehand. So there's a lot of other things that

1 are misunderstood with the state.

2 And that take us, our people, back to
3 another point, to go back into a court system with
4 you and even up to the federal government on a class
5 action lawsuit to stop all this. It is, you know,
6 everybody's got to come up all of a sudden and have
7 a proposal to run a pipeline through and bring it up
8 over here.

9 Well, why bring it up over here, to one
10 of the biggest aquifers in the state, all this water
11 that relies back all the way to the Mississippi
12 River, everything that flows this way and that goes
13 this way and all over where the water drains and
14 drains into the Red River and goes north.

15 So it's polluting that land, the water
16 supply. You've got to look at the possibility of
17 what are the effects for our children's children?
18 Does it rupture, pollute the water, give them all
19 cancer further down the road? And we still have the
20 rights that we got that seem to be limited by the
21 state and they all of a sudden overlook us? It's
22 like where is, you know, how many times have you
23 heard -- pardon me, I heard a lot of people say that
24 and they'd say, yeah, that's true. And then in a
25 sense you got to look at how the government set us

1 up, forcing you from Mille Lacs, like one of my
2 great-grandfathers through Wadenas that I'm a blood
3 line from. He set this up, some of his land, that
4 the government ceded and left for us, and he wanted
5 that part for our future.

6 And then you take and you put this in
7 here and everything else that was signed for is at
8 stake now. Just because of one simple pipeline for,
9 what, billions of dollars? Billions and billions
10 and billions. How many billions is it going to
11 take? You could never rebuild it. You could never
12 clean it all up. That's a known fact. There is no
13 such thing as a pipeline that will not leak. All
14 metal fatigues and all pipes leak. You got to think
15 about the frost and how much the ground moves
16 around, all this water underneath it, it'll never
17 stay stable, it'll always be flexing and moving.

18 But that's all I've got. Thank you.

19 UNIDENTIFIED: I have to say something
20 about this. You talk about our tribe, all these
21 dollars that you get, not only here, but through the
22 whole state of Minnesota (inaudible).

23 MS. JAMIE MACALISTER: All right. Is
24 there anyone else that would like to speak?

25 MR. JOHN GAGNON: I'd like to.

1 MS. JAMIE MACALISTER: All right, come on
2 up.

3 MR. JOHN GAGNON: My name is John Gagnon,
4 Jr., I live on the south end of Rice Lake.

5 I heard that one of the oil workers here
6 today said that we're going to need oil. No matter
7 what, we're always going to need oil. Why? Why are
8 we always going to need oil? Why can't we look at
9 other things, electric things to power our vehicles,
10 it's going to have dirty gasoline and pollution in
11 our air. Why? Why do we need the oil? We don't.

12 I'm a man, sure, I like vehicles. I like
13 vehicles that go fast, that have gas. But if the
14 vehicle had an electric motor in it, it was clean
15 and powered by the sun, not dirty oil, man, I'd love
16 that vehicle even more.

17 Maybe it's time that you guys take all
18 the money that you're making in your pipe companies
19 and your oil companies and put that money elsewhere
20 and try to come up with a cleaner solution. You
21 know, we all know that the reserves in the United
22 States, the oil reserves, are full. The price of
23 gas is still up. I don't care what anybody says,
24 2.49, that's expensive for fuel. And everybody
25 says, oh, the price of gas is dropping, the price of

1 gas is dropping, we need more oil lines. Why? Why?
2 Your oil lines don't benefit all our people as White
3 Earth people or they don't benefit the American
4 people as American people. It doesn't. At all.
5 This is America right here. This right here is the
6 White Earth Nation, we're not in Canada, we're not
7 in no other country.

8 Here we are looking out for all ourselves
9 and all our family the way all our ancestors looked
10 out for us. We plan on doing that for the next
11 generation. So whatever plans you guys have on
12 bringing your dirtiness in here with your oil pipes,
13 just know, I am a warrior, I'm ready to die. I will
14 not allow it. I will not allow to see any more of
15 my people die from cancer. None of that.

16 While all you oil workers have big fat
17 pockets, we all know your money is paying for
18 everything, everybody knows this. Everybody knows
19 this. You guys, you have no right here. State of
20 Minnesota has nothing to do with us. We are our own
21 people. Our own people. We work with the state
22 because we want to when we want to.

23 All the state does is you can do this,
24 you can do that. Ain't nobody going to come on my
25 land and tell me what I can and what I can't do. As

1 long as I am not breaking the law, hurting you, your
2 family members, my family members, anybody else's
3 family, I will do what I want to do. If I want to
4 go out and harvest, I'll go out and harvest. I'll
5 do as I please. State of Minnesota will not tell
6 this Indian a thing. Nothing. They never will.

7 I went to school in your public system
8 and everything, and believe me, it was not fun. I'm
9 an Indian and I know I'm an Indian. I know I'm an
10 Indian because every day when I went to school
11 everybody at my school reminded me, you are a
12 Indian. Of course, they had better words, you know,
13 savage, whatnot, you know. But to me, if being a
14 savage means caring about your people, your land,
15 well, then, yeah, by God, I'm a savage, because I do
16 care and I do care about people.

17 And believe it or not, I care about your
18 children. I care about your elders. I don't want
19 to see them sick. I suffer enough in hospitals, in
20 and out of hospitals constantly, and all you guys
21 want to do is make more poison and put it out there.
22 No, no, no, no. Clean up the poison that's already
23 out there and get the hell off our land. And that's
24 my view.

25 MS. JAMIE MACALISTER: All right. Anyone

1 else?

2 UNIDENTIFIED: My name is (inaudible).
3 Thank you. And I was just wondering where these tar
4 sands are going to, shipping out to Superior, right,
5 the tar sands? Ships 1,000 barrels a day, whatever,
6 is being shipped down to Superior, right? They're
7 not going to be refined in the United States,
8 they're going overseas to Japan, China, wherever.
9 And they're going to use that to build their weapons
10 against us and take over our nation.

11 Now, you're going to get cancer from your
12 oil, whatever you got. I can't speak, but I'm a
13 survivor, and us as a nation, we're going to
14 survive, we're not going to let you guys spoil our
15 economy. I'm living proof of that, guys.

16 MS. JAMIE MACALISTER: Dawn Gibson.

17 MS. DAWN GIBSON: I have one last thing
18 that I forgot to say that's very important. And
19 that's why I'm up here to say it. Is that our tribe
20 and our state have put a lot of money into the
21 wetland restoration and also our prairies. So if we
22 continue, we're already worried about the pipelines
23 that are there, already been leaking, have spilled,
24 have not been cleaned up, I know there are places,
25 I've talked to people.

1 I have a friend that has land that still
2 has oil in the ground. It's not an Enbridge
3 pipeline, it's a MinnCan pipeline. So we worry
4 already every day, are those going to spill?
5 Catastrophically? We know they're leaking, we know
6 they have spilled and have not been cleaned up
7 completely.

8 So it's very important. Our wild
9 prairies and our wetlands, thousands of dollars
10 every year spent on maintaining those. And we have
11 created those. The tall grass prairies, the reason
12 why they planted those native grasses was to hold
13 the water in because those native grasses go deep
14 into the ground to hold that water. Corn, the roots
15 don't go far enough. That's what's been growing on
16 other parts of our reservation, is corn. So then
17 they come up with an idea, oh, let's just cut the
18 corn halfway off, let the root be there to absorb
19 and keep a little bit of that water in the ground.
20 But it does not work like tall grass, prairie native
21 grasses. So you're going to destroy that. There is
22 a lot of money put into that.

23 That's about all I need to say.

24 MS. JAMIE MACALISTER: All right. Anyone
25 else?

1 Okay. With that, I'm going to end the
2 meeting. I appreciate everyone taking the time to
3 stay longer and carry on with us and we will
4 probably see some of you on Friday. Goodnight. Or
5 sorry, Thursday. Thank you, Janet.

6 MR. MICHAEL DAHL: Before you guys go,
7 here's the thing that I want you to understand,
8 okay. I would be a fool and we would all be a fool
9 to think that back in 1827 they didn't say the
10 equivalent of cuss words in our language back and
11 forth. That there wasn't the equivalent of passion
12 involved with what you saw tonight. I respect you
13 for the job you do. I do. It can't be easy. You
14 went to school a long time to do what you do. And
15 I'm just like all of us, we spent our whole life
16 learning about this land.

17 We're asking you to mutually respect the
18 education and the work we've put in to learn and
19 love and be a part of this land. Rice is no novelty
20 to me. We are rice. That tree out there is more
21 than just a novelty. I am that tree. I am the
22 seventh generation out. The science has already
23 proven that. Hereditary genetics, inherent
24 genetics, I carry the same genes as olden days. And
25 due to science proving post-traumatic stress

1 disorders and proving historical trauma, I
2 historically and genetically carry what happened in
3 1855. I carry in my body, genetically and
4 emotionally, that happened in 1855. I also
5 genetically respect the job that you do. I know
6 it's not easy.

7 And like my brother said over here -- I
8 do. You've heard it said before. For you, wild
9 rice is a wonderful holiday casserole. A nice bowl
10 of soup at a restaurant. It's a way of life here
11 year-round. We've been waiting since October for
12 September, preparing for it,

13 And we rice in the hopes that your
14 great-grandchildren will be able to honor grandma's
15 recipe with the wild rice that my
16 great-grandchildren got for you. We still have that
17 respect for the work that you do and the life that
18 we live. And that's why this last song that we
19 sing, it's asking those means of creation to watch
20 over you, that you have safe travels, that your
21 family is still loved. That you make your way back
22 to your family and that everything is okay.

23 We can agree to disagree. Because I do,
24 when I lay my head down at night, I do, I wonder,
25 did they make it to Park Rapids okay on these back

1 roads that they don't know? Are they okay? The
2 city folk up on the res, are you okay? Because I
3 guarantee you, if you broke down on the side of the
4 road, one of our people would stop and help you.
5 They would stop and change your tire. They would
6 say, hey, I just saw you last night, how are you
7 doing? Oh, I was mean to you, wasn't I?

8 So we do. We wish you the best in your
9 endeavors. It does kind of sadden me. Maybe some
10 day we'll have a cup of coffee. But this song is
11 for all of yous, for safe travels to your next
12 meeting, save travels to back home. All that stuff.
13 And one of those things we're going to ask to take
14 care of you, it is the water, it is the rice. Those
15 things, they love you, because we ask them to.
16 Return the favor. (Ojibwe) I thank yous all for
17 coming to my home. I do. It means a lot that you
18 came here. Now don't be strangers, we got another
19 pipeline to deal with. Don't be a stranger. Be
20 well.

21 (Proceedings concluded.)
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