

Oversight Hearing on “Strengthening Indigenous Communities Through Cultural and Environmental Preservation”

Additional Questions for the Record to The Hon. Michael Fairbanks, Chairman, White Earth Nation

Questions from Rep. Leger Fernández

1. Your testimony notes that the Line 3 pipeline will cross the headwaters of the Mississippi and through many significant watersheds for the White Earth Nation.
 - a. Could you elaborate on the impact the pipeline will have on your wild rice watersheds?

CHAIRMAN RESPONSE: The most significant immediate impact the pipeline will have on our rice beds is based on deteriorating water quality due to the disturbance caused by the construction project. The long-term risk is of a catastrophic spill or leak within the pipeline itself. White Earth is aware of other pipeline spills within the Midwest region that have taken Enbridge and oil companies years to remediate.

- b. In turn, how will these wild rice impacts affect your community?

CHAIRMAN RESPONSE: Our people rely on wild rice as a central component of our identity; it ties us to the land we have called home for centuries and it is a gift that was given to us by the Creator when we migrated from the East for this very purpose. It is also an economic driver for many community members who harvest rice and sell it. For some, it supplements income, but for others, it is the primary source of income. The funds help cover school clothes and supplies for kids, car repairs, and other expenses. Accordingly, it is so critical we protect our rice, for both cultural identity and economic needs of our people.

2. As your testimony highlights, the Minnesota Department of Natural Resources has admitted to the loss of 2,400,000 gallons of groundwater from this project.
 - a. How has the sub-year drought impacted the Nation, specifically regarding your wild rice watersheds?

CHAIRMAN RESPONSE: The drought has had an extremely detrimental impact on our wild rice watersheds. This year, we were only able to harvest about 10,000 pounds of rice on our primary rice bed. For perspective, last year, we harvested over 160,000 pounds of rice from that same rice bed. This is an extremely difficult change in just one year.

Question from Rep. Westerman

1. Minnesota Governor Tim Walz’s Department of Natural Resources released a public document that shows the agency offered consultation opportunities to all eleven Minnesota tribes prior to making permit decisions on the Enbridge Line 3 replacement project.
 - a. Did the White Earth Nation accept and participate in those consultations?

CHAIRMAN RESPONSE: The Minnesota DNR issued several permits for the Enbridge Line 3 Replacement Project. On most permits, the agency did offer consultation and White Earth

vigorously participated in those opportunities. One of the permits the agency granted was a construction dewatering permit for the temporary displacement of groundwater. At the time of initial consultation, the proposed amount of water to be displaced was 510.5 million gallons of water. In June 2021, the Minnesota DNR issued an amendment to that permit that allowed Enbridge to displace just under 5 BILLION gallons of groundwater, nearly a ten-fold increase from the original amount. Inexplicably, the agency issued this amendment with no consultation with White Earth decisionmakers and very little communication to the tribe before the decision was made. After the decision was made, White Earth requested consultation and met with the DNR. We formally requested that the permit amendment be suspended until White Earth could advise the State of its position, especially with the ongoing drought, but that request was denied. White Earth is aware of the public document released by the DNR stating they offered consultation, and we have asked state officials to revise that statement for accuracy.