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Sandpiper PUC Approval meets with renewed opposition

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“Judge Lipman is very insensitive on the Anishinaabeg way of life and the lake, land, water and animals,” Lew Murray, resident of Rice Lake Village on the White Earth reservation said, responding to Judge Lipman’s decision to approve the certificate of need on the Sandpiper route. “He just doesn’t know what it means to be one with living world. “

“Lipman’s ruling that the North Dakota Pipeline Company, AKA Enbridge should be issued a certificate of need for the proposed Sandpiper Pipeline route is troubling and baffling. The PUC has demonstrated a lack of a just process and the inability to review market and economic data in a way which will serve the needs of the state of Minnesota and the citizens of the North Country.” Winona LaDuke of Honor the Earth said.

Lipman’s April 13 decision awarding a certificate of Need for the Sandpiper will allow the company eminent domain over landowners in what will likely become 1.4 million barrels of oil a day crossing their land. Lipman’s decision is subject to the approval of the Public Utilities Commissioners in the upcoming two months. Honor the Earth and other organizations have vowed to reach out to the PUC and other policy makers to oppose the certificate of need.

“The PUC has denied the Anishinaabeg and the citizens of Minnesota participation and information access throughout the process. The agency made it cumbersome and difficult to participate, and has not reviewed accurately data presented by the Department of Commerce, Minnesota Department of Natural Resources, Pollution Control Agency, White Earth band of Ojibwe, Honor the Earth and other agencies which clearly demonstrate that there is no need for the Sandpiper line. We are very disappointed,” Winona LaDuke from Honor the Earth explained.

Judge Lipman was directed to make a ruling based on, among other things, “that the “denial would adversely affect the future adequacy, reliability, or efficiency of energy supply to the applicant, to the applicant’s customers, or to the people of Minnesota and neighboring states; (and)) the consequence to society of granting the certificate of need are more favorable than the consequences of denying the certificate” . Enbridge indicated that the demand for Bakken crude oil is increasing, such that the demand warranted construction of the Sandpiper Pipeline project. In contrast, the Minnesota Department of Commerce predicted flat to declining petroleum production and no evidence for support of increased demand in Minnesota. As well, the Department of Commerce found that it is “highly unlikely that Minnesota refineries would use more light crude oil . . .” Indeed, Adam Heinen from the Department of Commerce found that construction and operation of the Sandpiper Pipeline is likely to increase costs to the Minnesota refineries by \$8,760,000 per year.”

The White Earth Band of Ojibwe intervened in the PUC process after initially requesting the PUC hold a formal hearing on the White Earth reservation, since the pipeline crosses within the boundaries of the 1867 treaty protected reservation, as well as crosses throughout the 1855 treaty area. The PUC did not hold a hearing on the reservation in any case, and many tribal members were denied access to the process. Tribal Attorney Joe Plummer expects the band to continue all legal and policy opposition to the proposed line. “ The state of Minnesota has ignored the jurisdiction of the White Earth Band of Ojibwe and not acted according to government to government protocol.

Dawn Goodwin Anishinaabe of Rice Lake echoed the concerns of Lew Murray, “ I thought maybe they will listen because there have been so many people that have spoken with reason and knowledge and statistics and science and everything. The other pipelines were built in the fifties and what was happening to our people then, they were all trying to get jobs or move to the cities or get training. So they never had the opposition. As a young person I knew about the water and that we needed to protect it. I just turned a blind eye, thinking that those laws would take care of what concerned me the most. And now so we are here. And probably my worst fears have come to light now. And so I just can't sit back, it's not who my parents taught me to be. To protect what is most important to us., our natural world. You can't eat money and drink oil,” Dawn Goodwin said,

Over the upcoming months, the Anishinaabeg and many northerners intend to increase their opposition to the pipeline proposal .” We'll be there, “ Lew Murray told reporters, “ Our role as Ogichidaa is to stand up and fight for those who can not. Protect the ones that need it and can't fight for themselves. That's what a true Ogichidaa would do. Help people stand up and be seen and take action. They are not going to take our rights away again.”