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PO Box 418
WHITE EARTH, MN 56591

1855 TREATY AUTHORITY

EAST LAKE ♦ LEECH LAKE ♦ MILLE LACS ♦ SANDY LAKE ♦ WHITE EARTH

June 18, 2021

SENT VIA EMAIL ONLY

commissioner.dnr@state.mn.us

Sarah Strommen, Commissioner
Minnesota Department of Natural Resources
500 Lafayette Road
St. Paul, MN 55155

SENT VIA EMAIL ONLY

sheriff2@co.aitkin.mn.us

Sheriff Dan Guida, Aitkin County

Re: NOTICE: Cease and desist with violating
Chippewa protected Religious Freedoms
Mississippi River Lodge

Dear Commissioner Strommen and Sheriff Guida:

I write to give notice of DNR officers and Aitkin County Deputies intentionally violating the **American Indian Religious Freedom Act**, Public Law No. 95-341, 92 Stat. 469 to cause fear and intimidate and interfere with our tribal member's cultural and religious practices to protect and preserve our inherent right of freedom to believe, express, and exercise their traditional religious rites, spiritual and cultural practices. These rights include, but are not limited to, access to sacred sites, freedom to worship through traditional ceremonial rites, and the possession and use of objects traditionally considered sacred by their respective cultures. Please cease and desist with harassing Chippewa enjoying their rights to religious freedom in spiritual places on public lands.

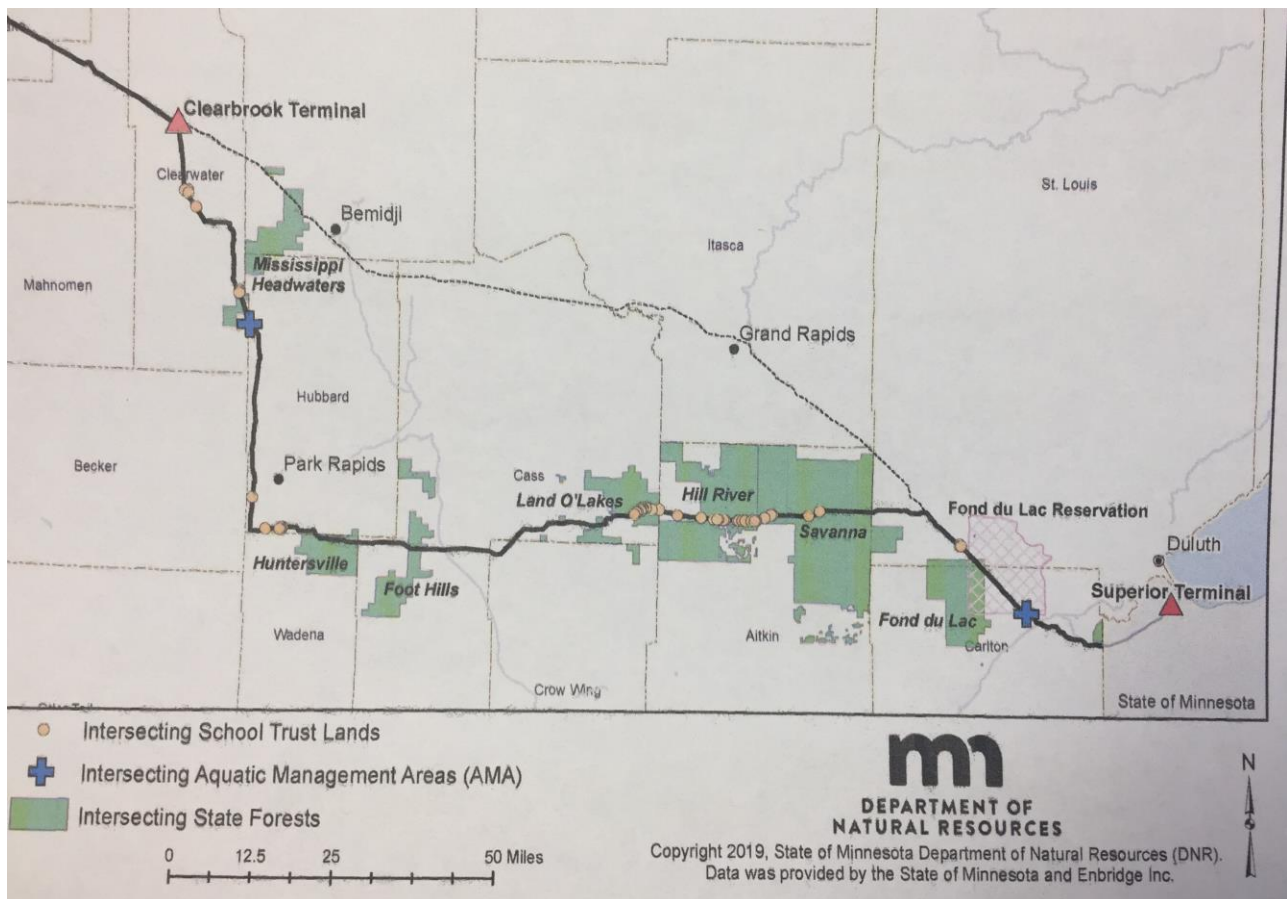
TREATY WITH THE CHIPPEWA, 1855.

Feb. 22, 1855. | 10 Stat., 1165. | Ratified March 3, 1855. | Proclaimed Apr. 7, 1855.

Sheriff Guida already identified the *Lodge* on the Mississippi River north of Palisade as a *ceremonial lodge* in his police report, which *Lodge* is also identified in the federal litigation of *Red Lake and White Earth v. U.S. Corps of Engineers* presently in federal district court. We are aware that the White Earth Tribal Historical Preservation Officer was threatened with arrest and told a STATE Historical Preservation Officer escort was necessary. There is a stop work order in place.

We are also aware of the June 12 letter Enbridge's Rich Kern sent to Sheriff Halverson about trespass enforcement. (see attached). Please let me re-inform you that a demand letter from Enbridge for state law enforcement to violate tribal member's civil and treaty rights is a federal crime. See 42 U.S. Code § 1983. Civil action for deprivation of rights.

Under the Mille Lacs decision, the initial or primary places for Chippewa tribal members and treaty beneficiaries to exercise usufructuary rights, conservation and religious freedoms is across the same territory as the *public lands* and waters of the state, just as Minnesota recognizes for the 1854 and 1837 Chippewa ceded territories. Public Law 280 does not authorize Minnesota to regulate Chippewa treaty rights or water rights across *Indian Country*, which in this case is the 1855 ceded territory.



It is readily apparent from the Line 3 Minnesota DNR map that state *public lands* are along much of the pipeline route. As such, the various White Earth codes for off-reservation tribal court, conservation and natural resources, rights of manoomin and rights to travel, use and occupy traditional lands and waters apply and protect tribal members' federally protected Treaty Rights. (See existing examples of off reservation jurisdiction for conservation codes and tribal courts; 1854 Treaty Authority, Fond du Lac and Great Lakes Indian Fish and Wildlife Commission).

Minnesota's criminalized trespass law(s) are civil regulatory civil rights deprivations, on or off reservation throughout Minnesota's *Indian County* under Public Law 280, with regard to the shared natural resources on public lands and waters. (See Public Law 83-280 (18 U.S.C. § 1162, 28 U.S.C. § 1360)). Tribal codes prohibit trespass and White Earth judicial codes provision for off-reservation tribal court, pre-empts the state's *criminalized* trespass laws with regard to tribal members.

Please direct DNR Conservation Officers and Aitkin Deputies to give the same deference and respect to tribal and federal laws as state. Please respect our treaty rights and obey the federal laws that protect our rights.

If you have any other questions or need of assistance with this matter please call on me at by phone or email at the above contacts. Mii gwitch!

Sincerely,

/s/ Frank Bibeau

Frank Bibeau
Executive Director

Attachments: (1) Enbridge's demand to law enforcement

cc: Keith Ellison, Minnesota Attorney General
W. Anders Folk, Acting United States Attorney Minnesota
Michael Fairbanks, Chairman, White Earth
Alan Roy, Secretary/Treasurer, White Earth
Ray Auginaush, Sr., District 1 White Earth
Kathy Goodwin, District 2, White Earth
Cheryl 'Annie' Jackson, District 3, White Earth
Leonard Fairbanks, Legal Director, White Earth
Jaime Arsenault, Tribal Historic Preservation Office, White Earth
Monica Hedstrom, Director, Natural Resources, White Earth
Alfred Fox, Chief Conservation Officer, White Earth
Mike LaRoque, Director White Earth Public Safety
1855 Treaty Authority members