



# WHITE EARTH RESERVATION

CHAIRMAN Michael Fairbanks SECRETARY-TREASURER Leonard Alan Roy  
DISTRICT I Raymond Auginaush, Sr. DISTRICT II Kathy Goodwin DISTRICT III Cheryl "Annie" Jackson

---

## **First "Rights of Nature" Enforcement Case Filed in Tribal Court to Enforce Treaty Guarantees**

*Action filed against Minnesota Department of Natural Resources to Stop Diversion of 5 Billion Gallons of Water for Enbridge "Line 3" Pipeline*

### **Press Release**

**August 4, 2021**

#### **Contact:**

Frank Bibeau

Plaintiff's Attorney

[frankbibeau@gmail.com](mailto:frankbibeau@gmail.com)

218-760-1258

Thomas Linzey, Senior Counsel

Center for Democratic and Environmental Rights

[tal@pa.net](mailto:tal@pa.net)

509-474-9761

White Earth, MN: On August 4, an action was filed in the Tribal Court of the White Earth Band of Ojibwe in Minnesota, by Manoomin (wild rice), the [White Earth Band of Ojibwe](#), and several tribal members, to stop the State of Minnesota from allowing the Enbridge corporation to use five billion gallons of water for the construction of the oil pipeline known as "Line 3."

**This is the first case brought in a tribal court to enforce the rights of nature, and the first rights of nature case brought to enforce Treaty guarantees.**

In December 2018, the business committee of the White Earth Band of Ojibwe adopted a "rights of manoomin" tribal law, which recognized wild rice as having the rights to exist, flourish, regenerate, and evolve, as well as inherent rights to restoration, recovery, and preservation.

**The rights of manoomin law is the first tribal law to recognize legal rights of a plant or animal species.**

This action was brought to enforce both the rights of manoomin (pursuant to the tribal law), as well as Treaty rights held by the tribe and tribal members. The Treaty rights, recognized in the 1825, 1837, 1854, and 1855 Treaties with the Chippewa and U.S. government, guaranteed the rights of the tribe to gather wild rice and other aquatic plants from public waters on Treaty lands.

Plaintiffs assert that the diversion of 5 billion gallons of water for an oil pipeline will interfere with both the rights of manoomin, as well as the rights of tribal members to use Treaty lands to hunt, fish, and gather wild rice.

Frank Bibeau, lawyer for the plaintiffs, stated, “The State of Minnesota is ignoring its treaty obligations and tribal laws in allowing the Enbridge corporation to take five billion gallons of water for the construction of the pipeline. This action is about upholding manoomin’s right to exist and flourish as established by tribal law, and about Minnesota’s legal obligations pursuant to the Treaties signed with the Chippewa. All we are demanding is that those Treaties be honored, and manoomin recognized as having the sacred status as recognized by tribal law.”

Mari Margil, the Executive Director of the [Center for Democratic and Environmental Rights \(CDER\)](#), who assisted with the drafting of the tribal law, explained, “This is the [second rights of nature enforcement action filed this year](#), and the first filed by a tribe seeking to enforce those rights in tribal court. These corporate giveaways that destroy ecosystems and species, and violate Treaties, must stop. It’s time to pull the plug on Line 3 and other pipelines across the country that are a clear and present danger to communities and the planet.”

The action was filed in the White Earth Band of Ojibwe’s Tribal Court, and the complaint will be served on Minnesota officials.

###