



APR 18 2016

**NOTICE OF AVAILABILITY OF SCOPING EAW AND DRAFT SCOPE FOR  
SANDPIPER PIPELINE AND LINE 3 REPLACEMENT PROJECTS AND  
SCHEDULE FOR EIS SCOPING MEETINGS**

*Issued: April 11, 2016*

**Project Description**

Sandpiper Pipeline Project

The North Dakota Pipeline Company LLC (NDPC) is proposing to construct and operate a new 616-mile oil pipeline that would extend from Beaver Lodge Station, south of Tioga, North Dakota through a new terminal at Clearbrook, Minnesota and then on to an Enbridge affiliate's terminal and tank farm in Superior, Wisconsin.

The proposed project, called the Sandpiper Pipeline project (or Sandpiper), includes about 303 miles of new pipeline in Minnesota. NDPC is proposing to install 24-inch diameter pipeline from the North Dakota border to Clearbrook, and 30-inch diameter pipeline from Clearbrook to the Wisconsin border. The project also includes construction of a new oil terminal at Clearbrook and upgrades to the existing Pine River facility.

The proposed project is located in Polk, Red Lake, Clearwater, Hubbard, Wadena, Cass, Crow Wing, Aitkin, and Carlton counties.

Line 3 Replacement Project

Enbridge Energy, Limited Partnership (Enbridge) is proposing the Line 3 Replacement project in order to address safety and integrity issues associated with the existing Line 3 pipeline. The pipeline replacement is proposed to follow existing Line 3 from the Minnesota-North Dakota border to Clearbrook and then follow the same route proposed for the Sandpiper pipeline from Clearbrook to the Minnesota-Wisconsin border. The Line 3 route is approximately 337 miles long in Minnesota. The project also includes upgrades to existing pump stations at Clearbrook, Donaldson, Plummer, and Viking, and construction of new pump stations at Backus, Cromwell, Palisade, and Two Inlets.

The proposed project is located in Kittson, Marshall, Pennington, Red Lake, Polk, Clearwater, Hubbard, Wadena, Cass, Crow Wing, Aitkin, and Carlton counties.

<b>Meeting Information</b>		
<b>DATE</b>	<b>TIME</b>	<b>LOCATION</b>
Monday, April 25, 2016	6:00 pm – 9:00 pm	Tobies Restaurant and Bakery 404 Fire Monument Road Hinckley, MN 55037
Tuesday, April 26, 2016	6:00 pm – 9:00 pm	The Falls Ballroom 15870 Minnesota 27 Little Falls, MN 56345
Wednesday, April 27, 2016	6:00 pm – 9:00 pm	Crookston Inn & Convention Center 2200 University Ave Crookston, MN 56716
Thursday, April 28, 2016	6:00 pm – 9:00 pm	Ralph Engelstad Arena 525 Brooks Ave North Thief River Falls, MN 56701
Monday, May 2, 2016	6:00 pm – 9:00 pm	Bemidji State University 1500 Birchmont Dr. NE #31 Bemidji, MN 56601
Tuesday, May 3, 2016	10:00 am – 1:00 pm	American Legion 900 East 1st Street Park Rapids, MN 56470
Tuesday, May 3, 2016	6:00 pm – 9:00 pm	Park Rapids Century School 501 Helten Avenue Park Rapids, MN 56470
Thursday, May 5, 2016	10:00 am – 1:00 pm	Black Bear Casino Resort 1785 MN-210 Carlton, MN 55718
Thursday, May 5, 2016	6:00 pm – 9:00 pm	Black Bear Casino Resort 1785 MN-210 Carlton, MN 55718
Monday, May 9, 2016	6:00 pm – 9:00 pm	Saint Paul RiverCentre 175 West Kellogg Boulevard Saint Paul, MN 55102
Tuesday, May 10, 2016	3:00 pm – 6:00 pm	Rice Lake Community Center 13830 Community Loop Bagley, MN 56621
Wednesday, May 11, 2016	10:00 am – 1:00 pm	East Lake Community Center 36666 State Highway 65 McGregor, MN 56718

- Each meeting will include an informal open house (1 hour), a formal presentation by state agency staff (30 minutes), and an opportunity for public comments (1.5 hours).
- State agency staff members will facilitate the meeting and are available to respond to questions about the permitting process and the project.
- NDPC and Enbridge (applicants) staff will also be available to answer questions about the proposed projects during the informal open house.
- You may add verbal comments, written comments, or both into the record. A court reporter will be available to take verbal comments, and comment cards will be available for people who wish to provide written comments for the public record.

**Comment Period** Written comments will be accepted through **Thursday, May 26, 2016** online or by mail.

**Online** [www.sandpiperline3.us](http://www.sandpiperline3.us)

**Email** [Pipeline.Comments@state.mn.us](mailto:Pipeline.Comments@state.mn.us)

**U.S. Mail** Jamie MacAlister, Environmental Review Manager  
Minnesota Department of Commerce  
85 7<sup>th</sup> Place East, Suite 500  
St. Paul MN 55101

**Fax** 651-539-0109

**Important** Comments will be made available to the public via the PUC's and the Department of Commerce's websites, except in limited circumstances consistent with the Minnesota Government Data Practices Act. Personally identifying information is not edited or deleted from submissions. Please include the PUC Docket Numbers (Sandpiper: PL-6668/CN-13-473 and PPL-13-474, Line 3: PL-9/CN-14-916 and PPL-15-137) in all communications.

**Note:** Each project will have its own scope and EIS, however, public meetings will address both projects.

**Eminent Domain:** If issued a route permit by the PUC, Enbridge and NDPC may use the power of eminent domain to take land for this project. Any new easement or right-of-way agreements reached between Enbridge/NDPC and landowners before a pipeline route permit is issued will not be considered in the PUC's final decision.

## How to Learn More

**Department of Commerce Project Website (documents are available at these websites):**

Sandpiper: <http://mn.gov/commerce/energyfacilities/Docket.html?Id=33599>

Line 3: <http://mn.gov/commerce/energyfacilities/Docket.html?Id=34079>

**Project Mailing List:** Sign up to receive notices about project milestones and opportunities to participate (meetings, comment periods, etc.). Contact [docketing.puc@state.mn.us](mailto:docketing.puc@state.mn.us), 651-201-2204, or 1-800-657-3782 with the docket number (*Sandpiper: 13-473 & 13-474*) or (*Line 3: 14-916 & 15-137*), your name, mailing address, and email address.

**Full Case Record:** See all documents filed in this docket via the PUC's website - [mn.gov/puc](http://mn.gov/puc), select *Search eDockets*, enter the year (*13*) and the docket number (*473*) for the Sandpiper CN or (*13*) and (*474*) for the Sandpiper Route Permit, then select *Search*. Enter the year (*14*) and the docket number (*916*) for the Line 3 CN or (*15*) and (*137*) for the Line 3 Route Permit, then select *Search*.

**Community Locations:** The Draft Scoping Decision Documents and Scoping EAWs will be available at the following locations in communities crossed by the proposed pipelines:

- Township Clerk
- City Clerk
- County Auditor or Administrator
- Public Libraries:
  - Hennepin County Library – Minneapolis Central, 300 Nicollet Mall, Minneapolis
  - Bemidji Public Library, 509 American Avenue NW, Bemidji
  - Crookston Public Library, 110 North Ash Street, Crookston
  - Duluth Public Library, 520 W Superior Street, Duluth
  - Kitchigami Regional Library, 212 Park Ave., PO Box 14, Pine River
  - East Central Regional Library, 244 So. Birch Street, Cambridge
  - Great River Regional Library, 1300 West St. Germain, St. Cloud

**Available on CD:** You may contact DOC-EERA staff to request copies of these documents on CD (see contact information below).

**Minnesota Statutes and Rules:** The certificate of need application is reviewed under Minnesota Statute 216B and Minnesota Rules Chapter 7853. The pipeline route permit application is reviewed under Minnesota Statute 216G and Minnesota Rules Chapter 7852. The EIS will be reviewed under Minnesota Rules Chapter 4410.2000.

Minnesota Statutes and Rules are available at [www.revisor.mn.gov](http://www.revisor.mn.gov).

## Project Contacts

**Public Utilities Commission Energy Facilities Planner**

Scott Ek – [scott.ek@state.mn.us](mailto:scott.ek@state.mn.us) or 651-201-2255

**Department of Commerce Environmental Review Manager**

Jamie MacAlister – [Pipeline.Comments@state.mn.us](mailto:Pipeline.Comments@state.mn.us) 651-539-1775 or 1-800-657-3794

**Enbridge Energy, Limited Partnership Project Contact**

[www.Enbridge.com/L3andSPP](http://www.Enbridge.com/L3andSPP) – [enbridgeinmn@enbridge.com](mailto:enbridgeinmn@enbridge.com) or 1-855-788-7805

**North Dakota Pipeline Company, LLC Project Contact**

[www.Enbridge.com/L3andSPP](http://www.Enbridge.com/L3andSPP) – [enbridgeinmn@enbridge.com](mailto:enbridgeinmn@enbridge.com) or 1-855-788-7805

This document can be made available in alternative formats (e.g., large print or audio) by calling 651-296-0406 (voice). Persons with hearing or speech disabilities may call us through their preferred Telecommunications Relay Service.

If any reasonable accommodation is needed to enable you to fully participate in these meetings (e.g., sign language, foreign language interpreter, large print materials), please contact the PUC at 651-296-0406 or 1-800-657-3782 at least one week in advance of the meeting.



# CERF/CERA REPORT



MEMBER UPDATE

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## A Message from the Chair of CERA

By Judy Bachmann

APR 25 2016

### When all else fails They label you a racist

Years ago, as a young girl my dad plowed the neighbors garden with what seemed to be HUGE, GENTLE GIANTS. I will always hold those draft horses fondly in my heart. As dad lifted me to sit me upon their shoulders while he plowed, I noticed blinders placed at their eyes blocking out distractions. Now in later life, I liken those blinders to the way I looked at Federal Indian Policy (FIP) before I met the people who belong to CERA. The situation here in New York was of great concern to me. A friend called and said, you are going to Washington. When I asked why, her response was simple – that there were some wonderful people there and I needed to meet them. She was right! In New York I had blinders on, influenced in many ways by the media. I was beginning to believe that the Indian was the root of all the problems in the area and could have easily been viewing local issues through racial eyes. That D.C. meeting, in May of 2002 removed the blinders from my eyes and helped me realize that the problem was not the Indian but my own federal government. Through my attendance at the many CERA/CERF conferences, both nationally and regionally I am proud to have been exposed to all sides of FIP leaving me to decide for myself what to believe. I have listened to EPA, DOJ, DOI and BIA officials, elected officials, authors, constitutional attorneys, renowned historians, members of tribal governments and individual Indians brave enough to speak out. I have heard the issues of persons living on reservations or near reservations, both tribal and

**Federal Indian Policy is unaccountable, destructive, racist, and unconstitutional. It is, therefore CERF and CERA's mission to ensure the equal protection of the law as guaranteed to all citizens by the Constitution of the United States.**

One prominent Indian author who had been convinced we were racist came to our conference as a speaker. As he got to know us and understand our goals his mind was changed and he left as "an American Indian Patriot." I have seen members of non-CERA/CERF groups refuse to sit in the same room during tribal member's presentations because they did not want to believe that FIP may not be the best answer for reservation life. It has always been CERA's position to be open minded and that we need to be well informed of all sides of the issues, *and for that some would call us racist.*

Federal Indian Policy seems unable to understand the plight of the reservation Indian and believes that the government just needs to throw more money at it. Just as with so many other issues, the federal government throwing more money at FIP does not help the situation. The current budget of the Bureau of Indian Affairs is somewhere in the billions but the reservation disasters continue. The BIA appears to be just another unaccountable, out of control agency of the executive branch of the federal government.

I have seen CERA members cry over the abuse of women and young girls, on the reservations, often by family members. Concern is high for the drug and alcohol abuse and absolute poverty of the reservation life. CERA has supported the fight for the constitutional rights of children with Indian heritage as little as 1/200<sup>th</sup> part DNA. CERA has supported suits of individual Indians in conflict with their tribal governments. CERA members volunteer many hours of their time searching archives for the truth regarding treaties and the intentions of actions of Congress, often buried in hopes that they

will never be revealed. Concern runs high for the rights of individuals for their land, water, jurisdiction and due process in court.

The United States constitution guarantees each citizen a republic form of government. Yet it has established and endorsed a non-republic form of government called tribal sovereignty, a government established for a racial group within which a white or black or Asian cannot hold office, *and yet they label us racist.*

If you look closely at the mission statement of CERA you will realize that what we are promoting is *“equal protection of the law as guaranteed to all citizens by the constitution of the United States.”* CERA believes that the Individual Indian in the United States is entitled to that equal protection, without a non-republic government, which stands between the individual Indian and our United States constitution, *and yet we are labeled racist.*

Recently published stories, have once again labeled CERA as racists for listening to all sides of the story. Included in their articles are references to racism at regional conferences where tribal sovereignty isn't even a topic of discussion and of which they have no first hand knowledge. In response to one United States Congressman being asked, “don't you think they should be called racist?”, he replied, “labels are for mattresses.” I for one think they should stay there.

## **We Need Your Help**

A couple of years ago the CERA board decided to change the year for dues to the calendar year, January 1 through December 31, instead of the previous method of year to year from when you first joined. We felt that it would be easier for each of you to keep track of when the yearly dues of \$35.00 should be paid. With that in mind, if you haven't sent CERA a check in 2016 your dues are due. Please forward dues to CERA, PO Box 0379, Gresham, WI 54128 as soon as you can. We depend on your dues to keep you informed through Reports. In addition to that as you read through this edition of our Report you will notice that CERA/CERF is involved in many cases at the Supreme Court level. This involvement does not come cheaply. Printing fees alone run \$700 - \$1000 for each amicus filed.

In addition to your dues, other ways to support the cause of fighting Federal Indian Policy would be a tax deductible contribution to CERF. If you decide to send a contribution for tax purposes please make the check out to CERF and mark in the memo of the check CERF Donation.

## **SOVEREIGNTY**

*By Lana Marcussen*

The way that the word “sovereignty” is used by Indian tribes and the United States within “federal Indian policy” (FIP), one would think that the definition of sovereignty has not changed since the federal government was founded under the Constitution. The Framers defined sovereignty as “popular sovereignty” the idea that all power derives from the people and is given by the people in a limited form to make a legitimate constitutional government. This is why the Constitution begins with the words “We the People of the United States, in order to form a more perfect union, establish justice and ensure domestic tranquility, provide for the common defense ... do ordain and establish this Constitution.”

This idea of “popular sovereignty” was new and radical because it meant that instead of governmental power being created at the top by a King or another kind of government and then applied to the people as subjects as done in Europe and throughout the world for centuries, the United States was saying that all of the People are citizens entitled to the right to create and control their government. According to the Framers, this view of popular sovereignty was to be all inclusive. In other words, all persons no matter of what race, creed or color who were defined as “persons” were entitled to become citizens. At the constitutional convention this created two immediate problems: what to do with the Indians who were really the first group of settlers in the United States and the much bigger problem of what to do with the Negro slaves who were being brought in from Africa.

The problem of the Indians was really seen as more of a military problem than as a racial problem. The organized Tribes were a true military threat to the new United States. In the North was the Iroquois Confederacy and in the South the



Creek Confederacy. Both confederacies could produce fighters that greatly outnumbered the American army after the Revolution. However, individually Indians were readily absorbed into American society and were intermarrying with the European descendants. An Indian who was not affiliated with a Tribe was not perceived as a threat at all, just someone who needed to be educated to join American society. This was true both North and South. This is why the Framers designed the Indian Commerce Clause to prevent unscrupulous persons or businesses from dealing with the Indians in a manner that would cause them to wage war. It was also the reason that the States who could not with their own militias defeat an Indian Confederacy wanted the national government to assume the responsibility of defense. This was the basic design of the Indian Commerce Clause.

At the making of the Constitution, no discussion even took place that the Indian tribes were separate "sovereign" governments. They were de facto separate from the People of the United States because of their customs and practices and tribal affiliations. But, the tribal affiliations were already breaking down before the Revolutionary War opening the Indian people to the "civilized" society of the European descendants.

The idea of the "civilized" society is an important part of how the Framers perceived their new "popular sovereignty." In the Natural World all persons had to fend for themselves to find food and shelter. Organizing into groups to help each other was seen as the beginning of civilization. But tribal affiliations were primitive in comparison to the evolution of human groups in Europe that had created large complex nations reformed by revolutions of people demanding rights. The European descendants in America had adopted a view that civilization was supposed to continue to evolve, literally to advance and become better with each successive generation. They wanted expanded education and change. They believed they were ready to take the next step in civilizing society and make the government from the People. This perception made the Framers and the European based Americans feel and act as superior to what were perceived as inferior societies that were seen as merely surviving and not growing. Frankly, the new Americans could not perceive of persons whether Indian or of any other group wanting to

keep their old customs and affiliations when they could become a part of the American progression. This is why it is absurd to believe the Framers wrote the Indian Commerce Clause to "respect" tribal sovereignty. This view came about after the new American ideal of "popular sovereignty" confronted whether former slaves could be part of the citizenry of America.

The Framers clearly confronted whether Negro persons could be citizens. The confrontation almost prevented the new Constitution from ever being. Unlike the situation with the Indians, virtually all Americans believed that Black people were inherently inferior. This belief was true racial prejudice that existed not because of lack of education or being raised in a less civilized society but because their skin was dark. In the end, the Great Compromise was done allowing the slaves to be counted as 3/5ths a person, the slave trade was given an end date and the privileges and immunities clause specifically did not apply to slaves or even emancipated slaves. These compromises merely postponed the inevitable confrontation. Our Framers truly believed that by postponing the fight that our society would evolve toward their ideals embodied in the new Constitution, allowing an eventual resolution of the problem.

And our society did progress. In 1841 the question of whether a load of African slaves should be returned as "property" to the Spanish owner was heard in the courts of Massachusetts and then by the United States Supreme Court. It was argued for the captured slaves by John Quincy Adams, a former President and son of one of our greatest Framers. The opinion of the Supreme Court on the Amistad slaves encouraged an end of slaveholding in the North and changed the attitude of many Southerners. It became apparent that the only way to prevent Blacks from gaining rights was to try to classify them as less than "persons" able to join the sovereign people.

In 1857, in the infamous Dred Scott v. Sandford decision that is exactly what the slaveholding Chief Justice did. According to Chief Justice Taney not even an emancipated Black could ever become a citizen because they were inherently inferior sub-humans. But the decision required the Supreme Court to find the constitutional authority to make such a ruling. To do so the determination

of who could be a citizen was no longer a matter of natural law as the Framers believed. Instead the federal government now could decide for itself who qualified to be part of the sovereign people. This opinion fundamentally altered the Framer's principle of "popular sovereignty." In fact, to this day looking up "sovereign people" in Black's Law Dictionary will give the definition from the Dred Scott decision. To preserve slavery, the most fundamental principle of our Constitution was changed.

But the North won the Civil War and adopted three Amendments to the Constitution to overrule the Dred Scott decision. The reality is that the definition of "popular sovereignty" and "sovereign people" has never been corrected. This was because the North deliberately preserved this new definition of top down sovereignty to punish the South after the Civil War and to prevent the States from ever again starting such a war. President Lincoln was against this idea and vetoed the first Reconstruction Acts. But his assassination gave the Radical Republicans the excuse they needed to permanently preserve this new version of federal sovereignty.

It was the thinking of the Radical Republicans that using the newly Emancipated Slaves would allow the federal government to use their special status to indefinitely preserve this top down sovereignty in the national government. But President Lincoln's version of the 13<sup>th</sup> Amendment declaring all former slaves to be national citizens prevented the new Freedmen from being used to preserve this top down version of sovereignty. So instead all the plans for using the Freedmen were transferred by the War Department to become the new Federal Indian Policy of 1871 that ended treaty making and formally placed all of the Indians under direct federal control. This plan included adding a special provision to the 14<sup>th</sup> Amendment that it did not apply to "Indians not taxed." To this day the federal government preserves its authority to declare whether any Indian can have the rights of a citizen of the United States. This is true despite the fact that all Indians were made naturalized citizens by act of Congress in 1924. Yet, Indian people are still treated separately and do not have the rights of other citizens. They are literally subjected to separate territorial tribal governments under the power assumed by the Supreme Court in the Dred Scott decision.

This power preserved through federal Indian policy since 1871 is the power that can require individual citizens to purchase health insurance. If the United States government defines from the top down whether we are part of the "sovereign people" they can set the requirements for our rights. The same is true of all of the federal encroachments that have limited individual liberty. In fact, the United States did not enjoy sovereign immunity from suits from its own citizens until after the Civil War with the change of sovereignty.

The national government has deliberately attempted to rewrite the history of federal Indian policy to make it appear as if this special power over the Indians always existed. It has brought numerous lawsuits to attempt to assert this version of sovereignty retroactively in land claim and water rights cases. Nothing will change the fact that this top down version of sovereignty derives directly from the Dred Scott decision. Even the Indian Reorganization Act of 1934 deliberately preserved the 1871 federal Indian policy as the basis of its authority. Without the 1871 policy there is no authority to restore tribal sovereignty over fee lands previously under state jurisdiction.

We cannot restore the Framer's version of popular sovereignty without confronting federal Indian policy. It is time to fully apply the 14<sup>th</sup> Amendment to require the United States to adhere to equal protection for all to restore our individual liberty and put the national government back into its proper role under the people of the United States.

## Supreme Court *by Lana Marcussen*

This term the United States Supreme Court accepted five Indian cases to be heard and decided. Not in the last 100 years has the Supreme Court accepted this many Indian cases. All of the cases have now been briefed. The last case to be argued and likely the case with the furthest reaching consequences, United States v. Bryant, will be argued April 19th. The Tribal governments, their organizations and promoters are not pleased with this line up of Indian cases. It appears the Court



stacked these cases because of the way they fit together to potentially alter federal Indian policy. Three cases have already been decided. In the Indian case that was thought to be a routine contract payment dispute, Menominee Tribe v. United States, the Court decided the contract issues and then went on to decide that from this point forward no statute of the United States or any law will be interpreted except as for what it actually says. This effectively removes all of the old favoritism of interpreting laws as the Indians would have understood them or as interpreted for their benefit. This decision raises the question of whether this rule now applies to all Indian treaties that are officially laws of the United States. This unanimous decision came in the simple case.

The four other Indian cases raise much bigger questions. Taking them in order of when they were argued the first major case was Dollar General Corp. v. Mississippi Band of Choctaw Indians. Dollar General raises the question of whether a tribal court has jurisdiction over a non-Indian owned corporation. Counsel for Dollar General decided to ignore the simple position that under Montana v. United States (1981) that Indian tribes generally do not have jurisdiction over non-Indians. Instead, the counsel for Dollar General copied an argument developed by the legal counsel for CERA against the Indian Child Welfare Act that sets a new due process standard that requires that all persons be entitled to a court that is subject to judicial review. Tribal courts are not subject to judicial review because Indian Tribes have not been considered subject to the constitution of the United States.

Somehow counsel for Dollar General thought that this major constitutional argument guaranteeing possible review by the United States Supreme Court would intrude less on tribal sovereignty than simply adding another limitation on the tribal courts under the Montana precedent. By trying to protect tribal sovereignty, counsel for Dollar General fully engaged the Justices as to how they have allowed tribal sovereignty to be placed above all individual rights. This fiery exchange in early November is likely what set off this amazing term of Indian cases. How Dollar General gets decided will determine how big the decision in US v. Bryant can be. If the court agrees with Dollar General and creates a due process

right for all individuals to be guaranteed being heard in a court subject to judicial review then this Court will have decided that the Constitution does apply on the Indian reservations. If the Constitution applies for non-Indians on the reservations how can the Court honestly continue to deny Native Americans living on the reservations their constitutional rights?

We have received further encouragement that major change in federal Indian policy is probable this year from the unanimous decisions in two more Indian cases. These two cases involve issues of whether state jurisdiction can be displaced by the United States after it has been vested. In Nebraska v. Parker the question involves the determination of whether the 1882 surplus land act was intended by Congress to diminish the Omaha Indian reservation. Since two CERA board members live in the Village of Pender that is in the middle of this dispute CERF wrote an amicus brief for this case. Again, counsel for CERF did her own research with the help of CERF President Clarence Fitz because she did not accept the stated factual position of the United States in the litigation. And again she found a Congressional report actually prepared by the Congressman that did the bill that became the 1882 law in question in the Nebraska case that clarified that the law was intended to be a public land law statute. The United States had never disclosed the existence of this congressional report that was supposed to be attached to the bill that became the law in 1882 in the lower court litigation.

The Supreme Court decided on March 22nd that the statute was ambiguous as to the congressional intent to diminish and decided that the reservation was not diminished. CERF in its amicus brief requested that the Court update the old precedent of Solem v. Bartlett and the factors required for proving the congressional intent of diminishment. CERF argued that the Court should revise the factors to incorporate many of its more recent decisions into the diminishment factors. As the Village of Hobart, Wisconsin explained in its amicus brief this mostly means incorporating the language used by the Court in City of Sherrill v. Oneida Indian Nation from 2005.

The unanimous decision did not revise Solem v. Bartlett. Instead, the Court with Justice Thomas writing the sole opinion explained that a reservation that had been “opened” under the public land laws was not “Indian country” and that whether the tribe had any jurisdiction over the area should be determined by the courts below applying the factors in City of Sherrill.

In the other case with the Indian law implications decided March 22nd Alaska appealed to the Supreme Court for a business owner, Mr. Sturgeon, who was told by the National Park Service that he could not operate his hovercraft ferry on a river because it was in a “national conservation area.” The Park Service argued that their regulation applied against the state law that gave Sturgeon the right to use the hovercraft. The congressional act allowing the set up of “national conservation areas” to be administered by the National Park Service specifically prohibits the Park Service from displacing the sovereignty of the State of Alaska to the waterways, state land and all private property within the declared bounds of the conservation area. This included the private land of two Native Alaska corporations that were on the side of the State. The Park Service by regulation had completely displaced the State and refused to give the State any real explanation as to where this authority was based. All they had said was that it was generally based on the Commerce Clause.

In the oral argument, all of the Justices had the same idea, if the United States wanted to keep this asserted jurisdiction against Alaska they had to explain where it came from to the Justices. The assistant Solicitor General had obviously been drilled to evade every direct question from the Justices on the source of the authority. As the evasion continued the Justices became noticeably more agitated at the United States. Finally, a combination of the Justices going from Alito to Kennedy to Breyer to Kagan then to Ginsberg and finally to the Chief Justice forced the associate solicitor to admit that the authority derived from the Commerce Clause. At that moment the Chief Justice literally raised both his arms to quiet the angry Justices on both sides of him waving them down. He then very quietly but assertively stated to the associate solicitor that she was going to answer his questions or that she would be held in contempt. She looked to her bench and

shrugged knowing she could no longer evade answering the Chief Justice.

The associate solicitor then explained that since there had been Native Americans in Alaska that the United States could have asserted the reserved rights doctrine. She continued that even though Congress had disposed of all of the Indian lands in Alaska that it was the position of the United States that because there had once been these reserved rights that there would always be the same right in the United States to reserve these interests as being outside of state jurisdiction under the Indian Commerce Clause. When she finished with this short succinct explanation there was an audible gasp from the attorneys in the courtroom. There is nothing truthful in the United States position if the Constitution applies to Alaska. What the United States was really arguing was that since the Supreme Court had continually deferred for more than 150 years to the plenary authority of Congress and the Executive over the Indians and denied individual Native Americans the rights that come from being under the jurisdiction of the Constitution that the United States felt confident and absolutely justified in arguing that they could now assert any time they decide that the reserved rights doctrine applies to remove state jurisdiction under any regulation of the United States.

The Native Americans and tribes were not the creators of this legal position to evade all constitutional limitations on the elected branches. The United States before the Supreme Court had just argued exactly what former President Richard Nixon had wanted in expanding federal Indian policy --the complete breakdown of the constitutional structure and rule of law.

Counsel for CERA/CERF was very pleased that the Chief Justice wrote the unanimous opinion in Sturgeon that the United States has no continuing authority to assert it can change the rule of law by attempting to extend their jurisdiction by promulgating a regulation that claims jurisdiction over non-public lands. The Court ruled that jurisdiction of the United States only applies to lands it still holds as public lands. This seemingly obvious conclusion knocks the Nixon Indian policy right in its most fundamental deception.

The unanimous decisions in Nebraska and Sturgeon are major constitutional opinions. The Court in Nebraska agreed with the position taken by CERF in its amicus brief that the more advanced Indian tribes were not treated by Congress under the harsh Indian policy of 1871. Congress treated the individual tribal members of these more advanced tribes as capable of becoming citizens and wrote many surplus land acts to be executed under the general public land laws. This is a major shift in federal Indian law. At a minimum this brings federal Indian policy back under the federal land laws instead of allowing Indian issues to be treated separately. Very much the same kind of reasoning of not allowing federal law to be "reinterpreted" for the benefit of the Indians or in the way they might have understood it as was decided in Menominee.

The Sturgeon decision has even larger implications. Sturgeon is a federal public lands case that was made into an Indian case by the United States by claiming that the reserved rights doctrine can always be applied to change the way the old public land laws applied. This goes to the heart of what made the Nixon Indian policy different than what had come before it. While federal Indian policy has never been what was best for the Native Americans it was tied to reasoning of how to incorporate the Native Americans into the people of the United States. That is it was until Nixon and his followers realized that they could alter the most fundamental concept of the rule of law by using the Indians. British law developed based on the fundamental principle that a right to property once vested could not be undone later by changing the law to apply retroactively. We call this the principle of *ex post facto* and usually think of it today as a major protection in criminal law because we fundamentally accept that government cannot change our property or diminish our civil liberties after they have vested. But if the government can rewrite the laws and apply them retroactively for the Indians they can undo any vested interest that any individual holds.

Before the federal government can apply any law retroactively they must win the argument that they can retroactively remove state jurisdiction. The federal reserved rights doctrine as created in the early part of the 20th century allowed that the federal government could displace state conferred rights if those

rights interfered with the purpose for which a federal Indian reservation was established. The federal reserved rights doctrine was applied in very limited circumstances until Nixon and William Veeder turned it into a huge weapon against the States beginning in the late 1950's. There is only one way to stop the Nixon Indian policy and that is for Native Americans to be given full rights as the American citizens they are.

The due process right of an individual Native American is the issue in the Bryant case that is still pending and set to be argued April 19th. CERF submitted an amicus brief in the Bryant case urging the Supreme Court to finally extend constitutional due process rights to all Native Americans no matter where they live. There is no reason that Native Americans cannot have full rights as the American citizens they are and still choose to associate in tribes. What will change is the power of the United States government in regards to the Indian tribes. If the Constitution applies on the reservations it greatly limits the authority of Congress and the Executive to make the Indians separate from all other citizens. Whether the Supreme Court will go all the way to bringing individual constitutional rights to Native Americans in June when Bryant will be decided is the biggest question of this term.

The elected branches no matter which political party wins in November will oppose the Supreme Court changing the Nixon Indian policy which was willingly accepted by both political parties and equally exploited by both parties. Only the Supreme Court can make the Constitution the law of the land again.

Please support CERA/CERF and help us continue to do the research and make the arguments to change the Nixon Indian policy.

**Federal Indian Policy is unaccountable, destructive, racist, and unconstitutional. It is, therefore CERF and CERA's mission to ensure the equal protection of the law as guaranteed to all citizens by the Constitution of the United States.**

## An Amazing Example of “We The People...” The good folks of St. Maries, Idaho

By Elaine Willman



Many years ago in 2002 I first met a few citizens in St. Maries, Idaho located in the northern woods of the Idaho panhandle. The tribal government of the Couer ‘d Alenes were conducting troublesome policies in efforts to govern non-tribal persons and properties, and the folks there were at information-ground-zero about how to defend themselves. I have stayed in communication with two group leaders, Pam Secord and Peg Carver, off and on over the years but had not been back in that area for over a decade.

Fast forward to 2016 and the modest community group, North Idaho Water Rights Alliance (NIWRA) is fully informed, engaged on the ground, has remarkably great relationships with its elected officials at the local, county and state level. NIWRA continues to push back from tribal government over-reaching, but it is a *very* different day for this most effective group. NIWRA hosted a fundraising dinner in this small community of just over 2,000 residents. I was invited to provide a keynote address at their dinner on January 15th.

In a relatively low-income area a \$25 per plate dinner is a financial commitment. They printed 200 tickets and hoped for the best. NIWRA sold all 200 tickets out quickly, and then sold \$15 “Desert” tickets so folks could sit along the walls. Such impressive support for NIWRA from their community and elected officials is the result of specific action steps this group has taken consistently over the years, and the rewards for their work are just wonderful.

It was so very uplifting to see a small community as fully engaged in defending their water and property rights that I asked several St. Maries folks frequently, “What are you doing right?” Here are some of the responses.

\*NIWRA has members who will attend every single local council meeting, every single county commission meeting, and folks that have achieved very positive and informative relationships with elected officials at every level. They are continuously engaged with their State legislators and State Officials. Relationships were hard to come by many years ago, but the linkage between elected officials and their constituents in northern Idaho is inspiring to me. (One NIWRA member provided great wisdom when she said, “We never get mad at, or personally attack our elected officials, even when they do something that troubles us. We stay polite, respectful and informative at all times, no matter what.”

\*Members of NIWRA form relationships early on with elected officials, assisting with campaigns and continuing an open dialogue on issues important to NIWRA and other issues important to the elected officials. “We make sure that all information we provide them is the God’s honest truth with factual documentation...we do not ‘Bull\*#’ them ever. Truth and trust is imperative. We also make no demands; only well documented recommendations.”

\*NIWRA has a couple of great researchers and frequently circulate White Papers and information articles to elected officials at every level of government. The educational information NIWRA shares is very helpful to elected officials and quite appreciated.

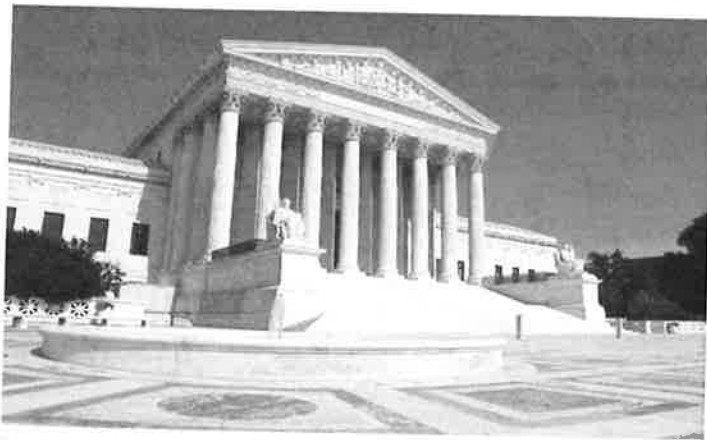
\*NIWRA has not utilized a website; rather it has extensive, private email lists and telephone trees to speak directly with each other without exposing its goals and strategies to any opposition. NIWRA chooses not to be a target. They stay very focused on their own goals and issues.

\*NIWRA members have spent time meeting with the weekly newspaper publisher and staff to keep them informed and secure their support. This has been very, very helpful.

\*NIWRA has located a wonderful Idaho attorney with expertise in Idaho water law, private property and water rights, etc. He works with a consortium of clients which spreads his fees to assist with affordability for the NIWRA group and individual citizens he represents.

There is no doubt that confronting federal and tribal government over-reaching is a sensitive, controversial undertaking that requires great courage and effort for those who feel compelled to protect themselves. Many get discouraged by name-calling, or indifference from elected officials, or time constraints, lack of resources, or just plain burnout. Somehow, this wondrous little community group in Northern Idaho has informed itself, paced itself, set goals and accomplished them, and continues to grow and grow. I just feel the urgent need to strongly salute these wonderful NIWRA people, and encourage other groups across the country to take heart and be encouraged.

And hats off to the State of Idaho that is one of the very few northwestern States actually protecting its State sovereignty, authority, and resources, and looking out for its Idaho landowners!



**CERA Membership Dues-\$35**

Send to: CERA

PO Box 0379

Gresham, WI 54128

**We need your support!**

**Federal Indian Policy is unaccountable, destructive, racist, and unconstitutional. It is, therefore CERF and CERA's mission to ensure the equal protection of the law as guaranteed to all citizens by the Constitution of the United States.**

## Donation Planning Guidelines

While we have made great progress regarding Federal Indian Policy it is doubtful that there will be a "quick fix" in the near future. For that reason, the funding requirements for our efforts will go well into the future.

You can be part of that funding by considering Citizens Equal Rights Foundation (CERF) in your giving.

A check to CERF would be very much appreciated, but instead perhaps you might consider a gift of appreciated stock.

If you invested in stocks during 2008 and early 2009, you likely own shares that have increased in value. Investors who bought individual stock during that period are likely to own shares that have increased significantly in value. Appreciated shares purchased and held at least one year are often ideal candidates for charitable giving.

Donations to Citizens Equal Rights Foundation (CERF) may be deducted on your federal income tax return as itemized deductions. When gifting appreciated stock held one year or more, the deduction can equal the stocks fair market value on the date of the gift. And although the donated shares increased in value, you pay no tax on the capital gain.

Tax laws change, so explore how you might take advantage of stock gifts. Also, when donating stock to us, please let us know in advance to ensure a prompt and accurate transfer of your gift.

For inquiries contact CERF treasurer, Curt Knoke. [cknoke@frontiernet.net](mailto:cknoke@frontiernet.net) or 715-787-4601.

*Federal Indian policy in unaccountable, destructive, racist and unconstitutional. It is therefore CERF and CERA's mission to ensure the equal protection of the law as guaranteed to all citizens by the Constitution of the United States*

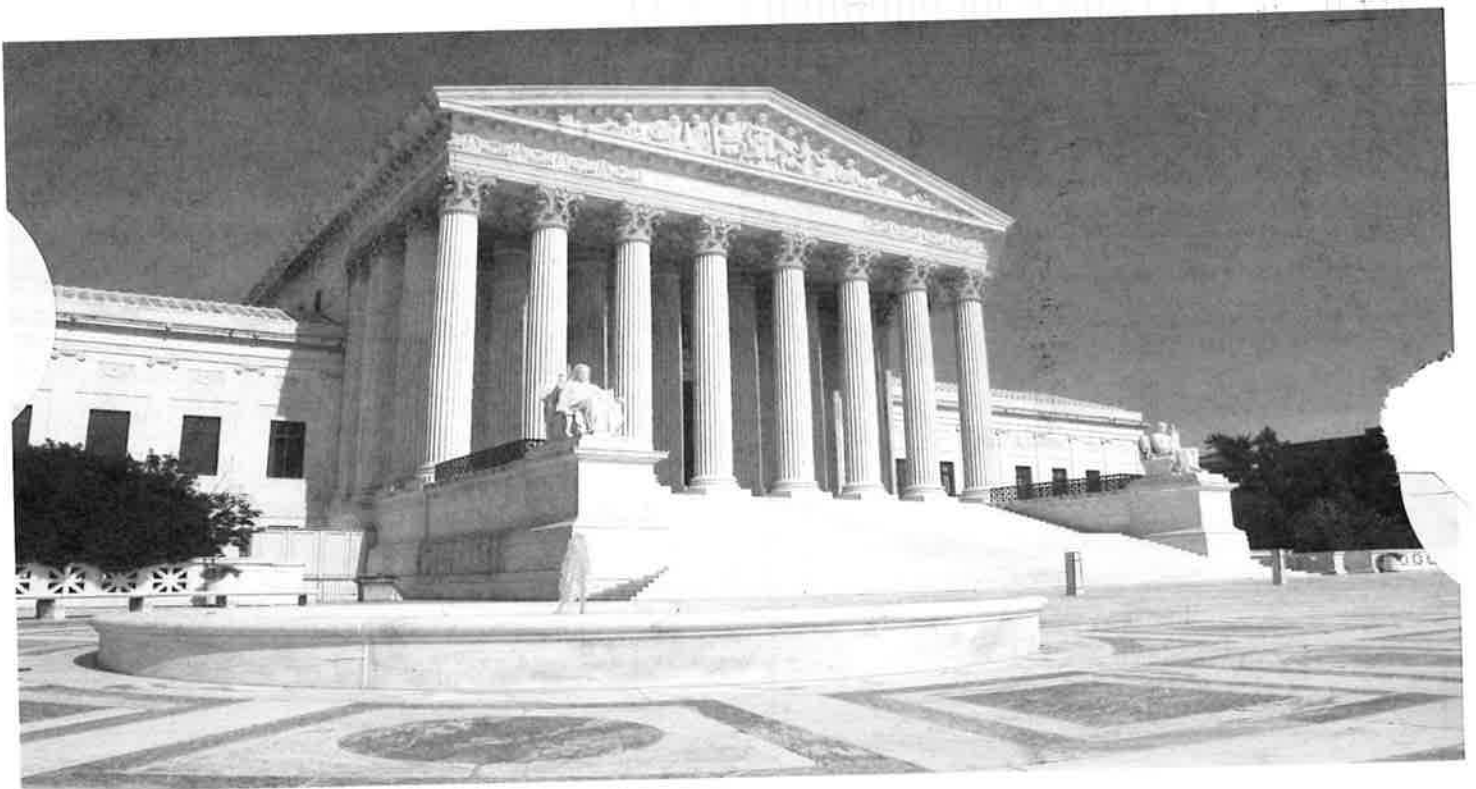
Citizens Equal Rights Foundation, Inc.  
Citizens Equal Rights Alliance, Inc.  
P.O. BOX 0379  
Gresham, WI 54128

Non-Profit  
Organization  
U.S. Postage Paid  
Stillwater, MN  
Permit # 788

ADDRESS SERVICE REQUESTED

**Aitkin County Commissioners**  
217 2nd St NW  
Aitkin, MN 56431

56431\$1270 C002





WHEREAS, Contract No. 20161 is for construction of C.S.A.P. 001-603-017, reconstruction of 6.11 miles of CSAH 3, and C.P. 001-088-001, bituminous paving of 1.02 miles of CR 88, and

WHEREAS, sealed bids were opened for this project at 2:00 p.m. on Monday, April 25, 2016 with a total of seven bids received, and

WHEREAS, Anderson Brothers Construction Co. was the lowest responsible bidder in the amount of \$3,733,034.01.

THEREFORE, BE IT RESOLVED, that Anderson Brothers Construction Co. is awarded Contract No. 20161.

BE IT FURTHER RESOLVED, that the chairperson of the Aitkin County Board and the Aitkin County Auditor are hereby authorized and directed to enter into a contract on behalf of Aitkin County with said low bidder upon presentation of proper contract documents.

Handout  
3A

Handout  
3A

**Aitkin County  
Contract Bid Abstract**

**Project Name:** CSAH 3 Shoulder Widening, Culvert Replacement, Aggregate Base, Bituminous Pavement/milling/CR 88 Reclamation & Bituminous Paving  
**Client:** Aitkin County  
**Bid Opening:** 4/25/2016 14:00

**Contract No.:** 20161  
**Project No.:** CSAP 001-603-001 & CP 001-088-001  
**Owner:** Aitkin, Minnesota

Line No.	Item	Units	Quantity	Engineers Estimate		Anderson Brothers Construction Company of Brainerd LLC-Brainerd, MN		Gladen Construction-Laporte, MN		Knife River-Sauk Rapids, MN		Central Specialties Inc-Alexandria, MN		Ulland Brothers-Cloquet, MN		Tri City Paving-Little Falls, MN		KGM-Angora, MN	
				Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price
1	2021.501 MOBILIZATION	LS	1	\$125,000.00	\$125,000.00	\$100,000.00	\$100,000.00	\$98,000.00	\$98,000.00	\$110,000.00	\$110,000.00	\$175,000.00	\$175,000.00	\$93,152.13	\$93,152.13	\$85,000.00	\$85,000.00	\$137,000.00	\$137,000.00
2	2051.501 MAINT & RESTORATION OF HAUL ROADS	LS	1	\$1,000.00	\$1,000.00	\$1.00	\$1.00	\$100.00	\$100.00	\$1.00	\$1.00	\$1.00	\$1.00	\$1.00	\$1.00	\$1.00	\$1.00	\$2,000.00	\$2,000.00
3	2101.511 CLEARING & GRUBBING	LS	1	\$110,000.00	\$110,000.00	\$50,648.47	\$50,648.47	\$109,000.00	\$109,000.00	\$125,000.00	\$125,000.00	\$125,000.00	\$125,000.00	\$84,536.00	\$84,536.00	\$50,000.00	\$50,000.00	\$70,000.00	\$70,000.00
4	2102.502 PAVEMENT MARKING REMOVAL	LF	1312	\$0.75	\$984.00	\$1.06	\$1,390.72	\$1.00	\$1,312.00	\$0.70	\$918.40	\$0.70	\$918.40	\$1.50	\$1,968.00	\$1.00	\$1,312.00	\$0.74	\$970.88
5	2104.501 REMOVE PIPE CULVERTS	LF	2258	\$12.00	\$27,096.00	\$10.55	\$23,821.90	\$12.00	\$27,096.00	\$8.00	\$18,064.00	\$8.00	\$18,064.00	\$7.50	\$16,935.00	\$10.00	\$22,580.00	\$10.00	\$22,580.00
6	2104.505 REMOVE BITUMINOUS PAVEMENT	SY	511	\$4.00	\$2,044.00	\$2.76	\$1,410.36	\$6.00	\$3,066.00	\$3.85	\$1,967.35	\$3.85	\$1,967.35	\$6.00	\$3,066.00	\$5.00	\$2,555.00	\$6.00	\$3,066.00
7	2104.513 SAWING BITUMINOUS PAVEMENT	LF	475	\$3.00	\$1,425.00	\$1.10	\$522.50	\$5.00	\$2,375.00	\$4.00	\$1,900.00	\$4.00	\$1,900.00	\$2.00	\$950.00	\$2.25	\$1,068.75	\$2.50	\$1,187.50
8	2104.521 SALVAGE PIPE CULVERT	LF	40	\$25.00	\$1,000.00	\$15.83	\$633.20	\$28.00	\$1,120.00	\$20.00	\$800.00	\$20.00	\$800.00	\$25.00	\$1,000.00	\$15.00	\$600.00	\$16.00	\$640.00
9	2104.523 SALVAGE CONCRETE APRON	EACH	2	\$250.00	\$500.00	\$527.59	\$1,055.18	\$800.00	\$1,600.00	\$1,500.00	\$3,000.00	\$1,500.00	\$3,000.00	\$3,360.00	\$6,720.00	\$500.00	\$1,000.00	\$275.00	\$550.00
10	2104.523 SALVAGE SIGN	EACH	77	\$40.00	\$3,080.00	\$26.38	\$2,031.26	\$30.00	\$2,310.00	\$25.00	\$1,925.00	\$25.00	\$1,925.00	\$25.00	\$1,925.00	\$30.00	\$2,310.00	\$26.25	\$2,021.25
11	2105.501 COMMON EXCAVATION (P)	CY	121236	\$5.00	\$606,180.00	\$4.91	\$595,268.76	\$5.35	\$648,612.60	\$5.05	\$612,241.80	\$4.99	\$604,967.64	\$5.25	\$636,489.00	\$5.00	\$606,180.00	\$3.70	\$448,573.20
12	2105.511 CHANNEL AND POND EXCAVATION (P)	CY	13418	\$6.00	\$80,508.00	\$5.28	\$70,847.04	\$4.92	\$66,016.56	\$4.99	\$66,955.82	\$4.99	\$66,955.82	\$5.60	\$75,140.80	\$6.00	\$80,508.00	\$5.41	\$72,591.38
13	2105.521 GRANULAR BORROW (EV)	CY	42149	\$9.00	\$379,341.00	\$9.50	\$400,415.50	\$7.90	\$332,977.10	\$7.95	\$335,084.55	\$7.95	\$335,084.55	\$12.45	\$524,755.05	\$9.00	\$379,341.00	\$9.75	\$410,952.75
14	2105.603 SHOULDER EXCAVATION	LF	3050	\$1.00	\$3,050.00	\$0.87	\$2,653.50	\$3.20	\$9,760.00	\$2.90	\$8,845.00	\$2.00	\$6,100.00	\$1.50	\$4,575.00	\$8.00	\$24,400.00	\$2.60	\$7,930.00
15	2105.604 GEOTEXTILE FABRIC TYPE V	SY	17763	\$3.00	\$53,289.00	\$1.79	\$31,795.77	\$1.80	\$31,973.40	\$1.25	\$22,203.75	\$1.25	\$22,203.75	\$1.25	\$22,203.75	\$2.00	\$35,526.00	\$1.80	\$31,973.40
16	2105.607 SALVAGED AGGREGATE (CV)	CY	3321	\$12.00	\$39,852.00	\$6.86	\$22,782.06	\$6.30	\$20,922.30	\$16.00	\$53,136.00	\$16.00	\$53,136.00	\$11.00	\$36,531.00	\$14.00	\$46,494.00	\$13.50	\$44,833.50
17	2118.501 AGGREGATE SURFACING CLASS 1	TON	8318	\$11.00	\$91,498.00	\$14.00	\$116,452.00	\$14.00	\$116,452.00	\$13.50	\$112,293.00	\$13.00	\$108,134.00	\$13.90	\$115,620.20	\$20.00	\$166,360.00	\$15.50	\$128,929.00
18	2118.607 AGGREGATE SURFACING (CV) CLASS 5	CY	3252	\$30.00	\$97,560.00	\$24.00	\$78,048.00	\$25.00	\$81,300.00	\$27.00	\$87,804.00	\$26.00	\$84,552.00	\$35.00	\$113,820.00	\$24.00	\$78,048.00	\$30.00	\$97,560.00
19	2211.501 AGGREGATE BASE CLASS 5	TON	35583	\$11.00	\$391,413.00	\$10.00	\$355,830.00	\$10.00	\$355,830.00	\$10.00	\$355,830.00	\$10.50	\$373,621.50	\$10.25	\$364,725.75	\$8.60	\$306,013.80	\$10.80	\$384,296.40
20	2215.501 FULL DEPTH RECLAMATION	SY	93267	\$1.50	\$139,900.50	\$0.65	\$60,623.55	\$0.65	\$60,623.55	\$0.92	\$85,805.64	\$1.25	\$116,583.75	\$1.20	\$111,920.40	\$1.00	\$93,267.00	\$1.15	\$107,257.05
21	2232.501 MILL BITUMINOUS SURFACE	SY	2264	\$6.00	\$13,584.00	\$6.00	\$13,584.00	\$6.00	\$13,584.00	\$1.30	\$2,943.20	\$2.50	\$5,660.00	\$4.50	\$10,188.00	\$2.00	\$4,528.00	\$2.55	\$5,773.20
22	2232.501 MILL BITUMINOUS SURFACE (2.0")	SY	81915	\$1.75	\$143,351.25	\$0.85	\$69,627.75	\$0.85	\$69,627.75	\$0.99	\$81,095.85	\$1.00	\$81,915.00	\$0.90	\$73,723.50	\$1.10	\$90,106.50	\$0.90	\$73,723.50
23	2357.502 BITUMINOUS MATERIAL FOR TACK COAT	GAL	6260	\$2.50	\$15,650.00	\$1.95	\$12,207.00	\$1.95	\$12,207.00	\$1.70	\$10,642.00	\$1.00	\$6,260.00	\$1.80	\$11,268.00	\$2.50	\$15,650.00	\$2.30	\$14,398.00
24	2360.501 TYPE SP 12.5 WEARING COURSE MIX (2,C)	TON	28301	\$50.00	\$1,415,050.00	\$40.00	\$1,132,040.00	\$40.00	\$1,132,040.00	\$43.50	\$1,231,093.50	\$40.61	\$1,149,303.61	\$42.00	\$1,188,642.00	\$54.00	\$1,528,254.00	\$40.00	\$1,132,040.00
25	2451.501 STRUCTURE EXCAVATION CLASS U (P)	CY	2721	\$7.00	\$19,047.00	\$7.39	\$20,108.19	\$5.00	\$13,605.00	\$14.00	\$38,094.00	\$14.00	\$38,094.00	\$11.25	\$30,611.25	\$7.00	\$19,047.00	\$8.50	\$23,128.50
26	2451.509 AGGREGATE BEDDING (MOD) CV	CY	185	\$40.00	\$7,400.00	\$52.76	\$9,760.60	\$48.00	\$8,880.00	\$65.00	\$12,025.00	\$65.00	\$12,025.00	\$35.50	\$6,567.50	\$50.00	\$9,250.00	\$30.00	\$5,550.00
27	2501.511 8" CS PIPE CULVERT	LF	348	\$22.00	\$7,656.00	\$22.16	\$7,711.68	\$23.80	\$8,282.40	\$18.00	\$6,264.00	\$18.00	\$6,264.00	\$14.50	\$5,046.00	\$21.00	\$7,308.00	\$29.00	\$10,092.00
28	2501.511 10" CS PIPE CULVERT	LF	26	\$25.00	\$650.00	\$23.74	\$617.24	\$32.75	\$851.50	\$20.00	\$520.00	\$20.00	\$520.00	\$38.50	\$1,001.00	\$22.50	\$585.00	\$30.00	\$780.00
29	2501.511 12" CS PIPE CULVERT	LF	232	\$28.00	\$6,496.00	\$24.27	\$5,630.64	\$25.27	\$5,862.64	\$22.00	\$5,104.00	\$22.00	\$5,104.00	\$29.50	\$6,844.00	\$23.00	\$5,336.00	\$31.00	\$7,192.00
30	2501.511 15" CS PIPE CULVERT	LF	556	\$30.00	\$16,680.00	\$26.38	\$14,667.28	\$28.75	\$15,985.00	\$24.00	\$13,344.00	\$24.00	\$13,344.00	\$30.00	\$16,680.00	\$25.00	\$13,900.00	\$32.00	\$17,792.00
31	2501.511 18" CS PIPE CULVERT	LF	1360	\$34.00	\$46,240.00	\$29.55	\$40,188.00	\$27.90	\$37,944.00	\$26.00	\$35,360.00	\$26.00	\$35,360.00	\$25.50	\$34,680.00	\$28.00	\$38,080.00	\$40.00	\$54,400.00
32	2501.511 24" CS PIPE CULVERT	LF	944	\$40.00	\$37,760.00	\$37.99	\$35,862.56	\$33.85	\$31,954.40	\$30.00	\$28,320.00	\$30.00	\$28,320.00	\$30.50	\$28,792.00	\$36.00	\$33,984.00	\$45.00	\$42,480.00
33	2501.515 12" GS PIPE APRON	EACH	18	\$160.00	\$2,880.00	\$184.66	\$3,323.88	\$165.60	\$2,980.80	\$90.00	\$1,620.00	\$90.00	\$1,620.00	\$180.00	\$3,240.00	\$175.00	\$3,150.00	\$185.00	\$3,330.00



Project: SAP 001-603-017 - Widening and Bituminous Pavement - Palisade to CR 62				Engineers Estimate				Anderson Brothers Construction Company of Brainerd LLC-Brainerd, MN		Gladen Construction-Laporte, MN		Knife River-Sauk Rapids, MN		Central Specialities Inc-Alexandria, MN		Ulland Brothers-Cloquet, MN		Tri City Paving-Little Falls, MN		KGM-Angora, MN	
Line No.	Item	Units	Quantity	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price
34	2501.515 15" GS PIPE APRON	EACH	34	\$200.00	\$6,800.00	\$195.21	\$6,637.14	\$174.20	\$5,922.80	\$100.00	\$3,400.00	\$100.00	\$3,400.00	\$205.00	\$6,970.00	\$185.00	\$6,290.00	\$200.00	\$6,800.00		
35	2501.515 18" GS PIPE APRON	EACH	4	\$220.00	\$880.00	\$232.14	\$928.56	\$235.00	\$940.00	\$130.00	\$520.00	\$130.00	\$520.00	\$290.00	\$1,160.00	\$220.00	\$880.00	\$285.00	\$1,140.00		
36	2501.515 18" RC PIPE APRON	EACH	2	\$550.00	\$1,100.00	\$553.97	\$1,107.94	\$508.50	\$1,017.00	\$700.00	\$1,400.00	\$700.00	\$1,400.00	\$1,065.00	\$2,130.00	\$525.00	\$1,050.00	\$600.00	\$1,200.00		
37	2501.515 24" RC PIPE APRON	EACH	10	\$600.00	\$6,000.00	\$685.87	\$6,858.70	\$623.00	\$6,230.00	\$850.00	\$8,500.00	\$850.00	\$8,500.00	\$1,095.00	\$10,950.00	\$650.00	\$6,500.00	\$660.00	\$6,600.00		
38	2501.521 102" SPAN RC PIPE-ARCH CULV CL IIA	LF	20	\$700.00	\$14,000.00	\$580.35	\$11,607.00	\$512.00	\$10,240.00	\$715.00	\$14,300.00	\$715.00	\$14,300.00	\$600.00	\$12,000.00	\$550.00	\$11,000.00	\$600.00	\$12,000.00		
39	2501.561 18" RC PIPE CULVERT DES 3006	LF	80	\$60.00	\$4,800.00	\$52.76	\$4,220.80	\$38.60	\$3,088.00	\$76.00	\$6,080.00	\$76.00	\$6,080.00	\$41.00	\$3,280.00	\$50.00	\$4,000.00	\$50.00	\$4,000.00		
40	2501.561 24" RC PIPE CULVERT DES 3006	LF	344	\$70.00	\$24,080.00	\$63.31	\$21,778.64	\$49.70	\$17,096.80	\$89.00	\$30,616.00	\$89.00	\$30,616.00	\$38.50	\$13,244.00	\$60.00	\$20,640.00	\$60.00	\$20,640.00		
41	2501.569 18" GS SAFETY APRON	EACH	64	\$350.00	\$22,400.00	\$263.80	\$16,883.20	\$266.00	\$17,024.00	\$165.00	\$10,560.00	\$165.00	\$10,560.00	\$325.00	\$20,800.00	\$250.00	\$16,000.00	\$375.00	\$24,000.00		
42	2501.569 24" GS SAFETY APRON	EACH	44	\$450.00	\$19,800.00	\$337.66	\$14,857.04	\$380.00	\$16,720.00	\$250.00	\$11,000.00	\$250.00	\$11,000.00	\$390.00	\$17,160.00	\$320.00	\$14,080.00	\$450.00	\$19,800.00		
43	2501.573 INSTALL CONCRETE APRON	EACH	2	\$250.00	\$500.00	\$527.59	\$1,055.18	\$800.00	\$1,600.00	\$2,400.00	\$4,800.00	\$2,400.00	\$4,800.00	\$1,150.00	\$2,300.00	\$500.00	\$1,000.00	\$550.00	\$1,100.00		
44	2503.602 24" PIPE PLUG	EACH	1	\$200.00	\$200.00	\$1,055.18	\$1,055.18	\$750.00	\$750.00	\$745.00	\$745.00	\$745.00	\$745.00	\$1,450.00	\$1,450.00	\$1,000.00	\$1,000.00	\$500.00	\$500.00		
45	2511.501 RANDOM RIPRAP CLASS II	CY	100	\$70.00	\$7,000.00	\$68.59	\$6,859.00	\$80.00	\$8,000.00	\$65.00	\$6,500.00	\$65.00	\$6,500.00	\$68.00	\$6,800.00	\$65.00	\$6,500.00	\$75.00	\$7,500.00		
46	2511.507 GROUTED RIPRAP	CY	10	\$200.00	\$2,000.00	\$131.90	\$1,319.00	\$185.00	\$1,850.00	\$125.00	\$1,250.00	\$125.00	\$1,250.00	\$230.00	\$2,300.00	\$125.00	\$1,250.00	\$200.00	\$2,000.00		
47	2540.602 MAIL BOX SUPPORT	EACH	21	\$120.00	\$2,520.00	\$100.24	\$2,105.04	\$100.00	\$2,100.00	\$150.00	\$3,150.00	\$105.00	\$2,205.00	\$95.50	\$2,005.50	\$100.00	\$2,100.00	\$110.00	\$2,310.00		
48	2540.602 RELOCATE MAIL BOX SUPPORT	EACH	2	\$75.00	\$150.00	\$52.76	\$105.52	\$50.00	\$100.00	\$70.00	\$140.00	\$70.00	\$140.00	\$51.00	\$102.00	\$100.00	\$200.00	\$75.00	\$150.00		
49	2557.602 INSTALL VEHICULAR GATE	EACH	2	\$200.00	\$400.00	\$552.51	\$1,105.02	\$1,500.00	\$3,000.00	\$800.00	\$1,600.00	\$1,000.00	\$2,000.00	\$1,150.00	\$2,300.00	\$4,000.00	\$8,000.00	\$900.00	\$1,800.00		
50	2563.601 TRAFFIC CONTROL	LS	1	\$30,000.00	\$30,000.00	\$3,000.00	\$3,000.00	\$8,000.00	\$8,000.00	\$11,300.00	\$11,300.00	\$5,450.00	\$5,450.00	\$4,500.00	\$4,500.00	\$12,000.00	\$12,000.00	\$3,000.00	\$3,000.00		
51	2564.531 SIGN PANELS TYPE C	SF	194	\$35.00	\$6,790.00	\$33.77	\$6,551.38	\$32.00	\$6,208.00	\$32.00	\$6,208.00	\$30.00	\$5,820.00	\$32.15	\$6,237.10	\$32.00	\$6,208.00	\$31.50	\$6,111.00		
52	2564.602 INSTALL SIGN	EACH	23	\$50.00	\$1,150.00	\$21.10	\$485.30	\$20.00	\$460.00	\$20.00	\$460.00	\$50.00	\$1,150.00	\$20.15	\$463.45	\$20.00	\$460.00	\$52.50	\$1,207.50		
53	2573.502 SILT FENCE, TYPE HI	LF	15082	\$2.00	\$30,164.00	\$2.11	\$31,823.02	\$2.55	\$38,459.10	\$2.00	\$30,164.00	\$2.00	\$30,164.00	\$2.00	\$30,164.00	\$2.00	\$30,164.00	\$2.68	\$40,419.76		
54	2573.505 FLOTATION SILT CURTAIN TYPE MOVING WATER	LF	30	\$30.00	\$900.00	\$17.89	\$536.70	\$20.00	\$600.00	\$16.95	\$508.50	\$16.95	\$508.50	\$17.00	\$510.00	\$20.00	\$600.00	\$21.00	\$630.00		
55	2573.533 SEDIMENT CONTROL LOG TYPE WOOD FIBER	LF	1932	\$5.00	\$9,660.00	\$4.75	\$9,177.00	\$3.75	\$7,245.00	\$4.50	\$8,694.00	\$4.50	\$8,694.00	\$4.50	\$8,694.00	\$4.50	\$8,694.00	\$3.94	\$7,612.08		
56	2573.602 TEMPORARY SEDIMENT TRAP	EACH	12	\$300.00	\$3,600.00	\$1,055.18	\$12,662.16	\$525.00	\$6,300.00	\$435.00	\$5,220.00	\$435.00	\$5,220.00	\$7,850.00	\$94,200.00	\$1,000.00	\$12,000.00	\$400.00	\$4,800.00		
57	2574.508 FERTILIZER TYPE 3	LB	22470	\$0.80	\$17,976.00	\$0.58	\$13,032.60	\$0.65	\$14,605.50	\$0.55	\$12,358.50	\$0.55	\$12,358.50	\$0.56	\$12,583.20	\$0.55	\$12,358.50	\$0.68	\$15,279.60		
58	2575.501 SEEDING (P)	ACRE	64.2	\$100.00	\$6,420.00	\$205.76	\$13,209.79	\$109.00	\$6,997.80	\$195.00	\$12,519.00	\$195.00	\$12,519.00	\$196.00	\$12,583.20	\$195.00	\$12,519.00	\$114.45	\$7,347.69		
59	2575.502 SEED MIXTURE 25-141	LB	3788	\$4.00	\$15,152.00	\$4.06	\$15,379.28	\$3.85	\$14,583.80	\$3.85	\$14,583.80	\$3.85	\$14,583.80	\$3.85	\$14,583.80	\$3.85	\$14,583.80	\$4.04	\$15,303.52		
60	2575.511 MULCH MATERIAL TYPE 1	TON	129	\$300.00	\$38,700.00	\$184.66	\$23,821.14	\$109.00	\$14,061.00	\$175.00	\$22,575.00	\$175.00	\$22,575.00	\$176.00	\$22,704.00	\$175.00	\$22,575.00	\$114.45	\$14,764.05		
61	2575.519 DISK ANCHORING	ACRE	64.2	\$75.00	\$4,815.00	\$158.28	\$10,161.58	\$35.00	\$2,247.00	\$150.00	\$9,630.00	\$150.00	\$9,630.00	\$150.50	\$9,662.10	\$150.00	\$9,630.00	\$36.75	\$2,359.35		
62	2575.523 EROSION CONTROL BLANKETS CATEGORY 3	SY	4024	\$1.50	\$6,036.00	\$1.53	\$6,156.72	\$1.20	\$4,828.80	\$1.45	\$5,834.80	\$1.45	\$5,834.80	\$1.50	\$6,036.00	\$1.45	\$5,834.80	\$126.00	\$507,024.00		
63	2575.571 RAPID STABILIZATION METHOD 3	MGAL	250	\$300.00	\$75,000.00	\$237.42	\$59,355.00	\$365.00	\$91,250.00	\$250.00	\$62,500.00	\$250.00	\$62,500.00	\$251.00	\$62,750.00	\$300.00	\$75,000.00	\$383.25	\$95,812.50		
64	2580.603 INTERIM PAVEMENT MARKING	LF	34954	\$0.30	\$10,486.20	\$0.24	\$8,388.96	\$0.30	\$10,486.20	\$0.40	\$13,981.60	\$0.27	\$9,437.58	\$0.28	\$9,787.12	\$0.30	\$10,486.20	\$0.10	\$3,495.40		
65	2582.502 4" SOLID LINE EPOXY	LF	80431	\$0.30	\$24,129.30	\$0.20	\$16,086.20	\$0.19	\$15,281.89	\$0.19	\$15,281.89	\$0.19	\$14,879.74	\$0.20	\$16,086.20	\$0.20	\$16,086.20	\$0.21	\$16,890.51		
66	2582.502 4" BROKEN LINE EPOXY	LF	5410	\$0.30	\$1,623.00	\$0.20	\$1,082.00	\$0.19	\$1,027.90	\$0.19	\$1,027.90	\$0.19	\$1,000.85	\$0.20	\$1,082.00	\$0.20	\$1,082.00	\$0.21	\$1,136.10		
Totals for Project SAP 001-603-017					\$4,282,396.25		\$3,610,951.38		\$3,662,571.59		\$3,807,608.85		\$3,810,046.14		\$4,050,895.00		\$4,102,514.55		\$4,220,324.57		
% of Estimate for Project SAP 001-603-017							-15.68%		-14.47%		-11.09%		-11.03%		-5.41%		-4.20%		-1.45%		

Project: CP 001-088-001 - County Road 88			Engineers Estimate				Anderson Brothers Construction Company of Brainerd LLC-Brainerd, MN		Gladen Construction-Laporte, MN		Knife River-Sauk Rapids, MN		Central Specialties Inc-Alexandria, MN		Ulland Brothers-Cloquet, MN		Tri City Paving-Little Falls, MN		KGM-Angora, MN	
Line No.	Item	Units	Quantity	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price	
1	2021.501 MOBILIZATION	LS	1	\$5,000.00	\$5,000.00	\$1,000.00	\$1,000.00	\$2,000.00	\$2,000.00	\$5,800.00	\$5,800.00	\$2,000.00	\$2,000.00	\$12,000.00	\$12,000.00	\$10,000.00	\$10,000.00	\$6,000.00	\$6,000.00	
2	2051.501 MAINT & RESTORATION OF HAUL ROADS	LS	1	\$500.00	\$500.00	\$1.00	\$1.00	\$100.00	\$100.00	\$1.00	\$1.00	\$1.00	\$1.00	\$1.00	\$1.00	\$1.00	\$1.00	\$500.00	\$500.00	
3	2118.502 AGGREGATE SURFACING (LV), CLASS 1	C Y	127	\$16.00	\$2,032.00	\$35.00	\$4,445.00	\$35.00	\$4,445.00	\$44.00	\$5,588.00	\$35.00	\$4,445.00	\$43.50	\$5,524.50	\$24.00	\$3,048.00	\$31.70	\$4,025.90	
4	2211.502 AGGREGATE BASE (LV) CLASS 5	C Y	97	\$16.00	\$1,552.00	\$25.00	\$2,425.00	\$25.00	\$2,425.00	\$44.00	\$4,268.00	\$35.00	\$3,395.00	\$60.00	\$5,820.00	\$20.00	\$1,940.00	\$15.00	\$1,455.00	
5	2215.501 FULL DEPTH RECLAMATION	SY	12907	\$1.75	\$22,587.25	\$0.84	\$10,841.88	\$0.84	\$10,841.88	\$1.15	\$14,843.05	\$1.25	\$16,133.75	\$1.50	\$19,360.50	\$1.00	\$12,907.00	\$1.15	\$14,843.05	
6	2357.502 BITUMINOUS MATERIAL FOR TACK COAT	GAL	645	\$2.50	\$1,612.50	\$1.95	\$1,257.75	\$1.95	\$1,257.75	\$1.70	\$1,096.50	\$2.50	\$1,612.50	\$2.00	\$1,290.00	\$2.00	\$1,290.00	\$2.30	\$1,483.50	
7	2360.501 TYPE SP 12.5 WEARING COURSE MIX (2,C)	TON	2200	\$48.00	\$105,600.00	\$45.00	\$99,000.00	\$45.00	\$99,000.00	\$47.35	\$104,170.00	\$50.00	\$110,000.00	\$42.00	\$92,400.00	\$54.00	\$118,800.00	\$39.90	\$87,780.00	
8	2563.601 TRAFFIC CONTROL	LS	1	\$1,000.00	\$1,000.00	\$1,000.00	\$1,000.00	\$1,000.00	\$1,000.00	\$2,300.00	\$2,300.00	\$1,000.00	\$1,000.00	\$2,300.00	\$2,300.00	\$4,000.00	\$4,000.00	\$1,100.00	\$1,100.00	
9	2582.502 4" SOLID LINE EPOXY	LF	10560	\$0.30	\$3,168.00	\$0.20	\$2,112.00	\$0.19	\$2,006.40	\$0.19	\$2,006.40	\$0.19	\$1,953.60	\$0.20	\$2,112.00	\$0.20	\$2,112.00	\$0.21	\$2,217.60	
Totals for Project CP 001-088-001					\$143,051.75		\$122,082.63		\$123,076.03		\$140,072.95		\$140,540.85		\$140,808.00		\$154,098.00		\$119,405.05	
% of Estimate for Project CP 001-088-001							-14.66%		-13.96%		-2.08%		-1.76%		-1.57%		7.72%		-16.53%	
Totals for Contract 20161					\$4,425,448.00		\$3,733,034.01		\$3,785,647.62		\$3,947,681.80		\$3,950,586.99		\$4,191,703.00		\$4,256,612.55		\$4,339,729.62	
% of Estimate for Contract 20161							-15.65%		-14.46%		-10.80%		-10.73%		-5.28%		-3.82%		-1.94%	

I hereby certify that this is an exact reproduction of bids received.

Certified By:  License No. 24340

