Open Letter to the Members of the Bad River Band of the Lake Superior Tribe of Chippewa

Enbridge never wanted conflict with the Bad River Band of the Lake Superior Tribe of Chippewa.

October 2023

For over a decade we've offered options to resolve our differences in ways that compensate the Band, better protect Band resources and still protect the millions of people who depend every day on the energy and products made possible by Line 5.

Let's start back when the Bad River Band and Enbridge coexisted without dispute – for over 60 years.

Timeline of events

1953 Line 5 was built to provide year-round energy security and take oil tankers off the Great Lakes.

1973 Line 5 easements renewed by the Bad River Band and Bureau of Indian Affairs (BIA).

1992 The Bad River Band and Enbridge signed a 50-year renewal agreement, allowing Line 5 to operate on the Reservation on Band-owned and trust property until 2043. The Band agreed to work with Enbridge on safe and reliable pipeline operations.

2013 The Band has acquired partial interest in several **additional** parcels of Reservation land along 2.3 miles of Line 5 right-of-way. Despite repeated meetings, and offers from Enbridge, the Band refuses to renew easements on these 12 parcels.

2017 The Bad River Tribal Council passed a resolution stating they would not renew the easements on the 2.3 miles. Enbridge and the Band enter into two years of confidential mediation. Despite Enbridge's settlement offers, mediation led nowhere.

2019 The Band's government terminated mediation and filed a federal lawsuit to force Line 5 off the Reservation.

2020 Enbridge filed state and federal applications to relocate Line 5 off the Bad River Reservation. These applications were, and remain, opposed by the Band Council.

2023 Following four years of costly and avoidable litigation, the court issued a decision allowing the pipeline to operate on the 12 disputed parcels for three more years. On all other Band-owned properties operations could continue until 2043, per the 1992 agreement.

The decision also requires Enbridge to pay the Band about $6 million. This is **far, far less than what we proposed to pay the Band to work with us on a permanent solution to this dispute**, including relocating Line 5 off the Bad River Reservation.

No imminent risk of release anywhere on Line 5

Despite what you might have heard, there is no imminent risk of release anywhere on Line 5, including where it comes near the Bad River in an area known as the "Meander". The Band's government asked several times for the court to shut down Line 5 due to erosion at the Meander. After looking at all the facts, the court refused to do so.

Since 2020 we have proposed over a dozen projects to address erosion at the Meander. These include common and proven erosion-control projects routinely used by both Enbridge and the Bad River Band. **The Band Council has not approved a single one of these proposals, even as they go to court alleging that the Meander poses an imminent threat of catastrophe.**

The Band's government also opposes the proposed relocation project, which would not only remove Line 5 from the Reservation, but also create hundreds of millions in local project spending, hundreds of construction jobs, and millions in earmarked spending with Native owned businesses, Tribal community investments, and hiring and training local Native American workers.

Why Enbridge is appealing the court's decision

We believe we have the legal right to operate Line 5 safely until the relocation project is built – **we don't intend to operate on the Bad River Reservation a day longer than it takes to finish the relocation.** We want simply to control erosion at the Meander and operate Line 5 safely while the project is completed.

Enbridge wants to meet with the Band Council and work toward a mutually beneficial solution. But the Band Council has not agreed to meet with us to discuss settlement, so an appeal was our only option.

Enbridge is prepared to discuss a comprehensive resolution

Enbridge is prepared to discuss complete resolution of all issues arising from the litigation, including renewing our proposal to pay substantially more than the court awarded. Band resources would be better protected, and the Band and its members stand to gain financially, also through project construction jobs, training, and project spending.

Also, we understand that the Band is interested in renewable energy. So are we – Enbridge is a leader in renewable energy solutions, investing more than $10 billion in renewables and cleaner technology. We would be pleased to discuss how we could help green the Band's electricity as part of a settlement.

We would be happy to meet with any of you to provide additional information – email **enbridgeinwi@enbridge.com** or learn more about the Line 5 segment relocation at **enbridge.com/L5Wis**.

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