

May 25, 2023

The Honorable Joseph R. Biden
President of the United States
The White House
1600 Pennsylvania Avenue
Washington, D.C. 20500

Michael Regan, US EPA Administrator
Deborah Shore, US EPA Regional Administrator for Great Lakes
Liz Pelloso, NEPA reviewer, National Environmental Policy Act in EPA Region 5
Allie McDavid, US EPA Wetlands Section
Kerryann Weaver, Wetland Program Supervisor EPA Region 5
Jen Tyler, Tribal Program Supervisor, National Environmental Policy Act in EPA Region 5
Melissa Blankenship, Water Division, Wetlands Section, Lead CWA 404 reviewer in EPA Region 5

Re: Emergency request to decommission Enbridge Line 5 due to imminent oil spills impacting Bad River Watershed and Great Lakes— representing one-fifth of the world’s surface freshwater

Dear President Biden and Representatives of the Environmental Protection Agency,

We call on you to immediately revoke the Presidential Permit for Canada’s deteriorating Enbridge Line 5 pipeline *before environmental calamity strikes with oil spills into the Great Lakes*.

At the Bad River Reservation, recent flooding has eroded one riverbank to *within 11 feet or less* of Line 5’s centerline,¹ creating an immediate threat. This is a nearly 70-year-old pipeline running almost two decades past its engineered lifespan². Erosion from receding waters or the next rainfall could cause a “guillotine rupture” – a vertical break causing oil to gush from both sides, poisoning the Bad River watershed and Lake Superior.³

We write to you as Indigenous grandmothers, mothers, aunties, daughters, sisters, and relatives. We are of the Great Lakes, where our sacred food *manoomin* (wild rice) grows on water. We hold

¹Wisconsin Tribe asks court to shut down Line 5 pipeline citing riverbank erosion. (May 11, 2023).

<https://www.mlive.com/public-interest/2023/05/wisconsin-tribe-asks-court-to-shut-down-line-5-pipeline-citing-riverbank-erosion.html>

²Line 5: An aging oil pipeline under the Straits of Mackinac threatens our Great Lakes with a devastating oil spill. (n.d.). https://www.environmentalcouncil.org/line_5; Line 5 pipeline between U.S. and Canada could cause ‘devastating damage’ to Great Lakes, say environmentalists. (August 3, 2021). <https://www.cbc.ca/news/canada/toronto/line-five-environment-great-lakes-1.6120882>; The future of Line 5: Engineering under Lake Michigan. (May 6, 2021). <https://news.engin.umich.edu/2021/05/the-future-of-line-5-engineering-under-lake-michigan/>

³Flooding has pushed Wisconsin’s Bad River closer to Line 5 pipeline: court documents. (May 2, 2023).

<https://www.thestar.com/business/2023/05/02/flooding-has-pushed-wisconsins-bad-river-closer-to-line-5-pipeline-court-documents.html>

a responsibility to protect our water, our ecosystems, and our cultural lifeways for the next seven generations.

Imminent pipeline ruptures at the Bad River in Wisconsin and into the Straits of Mackinac threaten our drinking water, fisheries, *manoomin* and cultural survival.

This area harbors *the largest natural wild rice bed on the Great Lakes*, according to the Ramsar International Treaty. “[T]hese wild rice beds are becoming increasingly fragmented on Lake Superior – as the only remaining extensive coastal wild rice bed in the Great Lakes region, it is critical to ensuring the genetic diversity of Lake Superior wild rice.”⁴

This wild rice bed is fundamental to the physical, spiritual and cultural survival of the Bad River Band of Lake Superior Chippewa. Our sovereignty and treaty-protected rights to hunt, fish, and gather food and medicine are all at risk.⁵ Diverse fish populations spawn in the Bad River Watershed. These fish are economically and culturally vital to the Bad River Band, Red Cliff Band of Lake Superior Chippewa and the entire region.

An oil disaster would permanently devastate the exceptional ecology of the watershed, the wild rice, and fish populations.

Our concerns are magnified by Enbridge’s history of permit violations⁶ and environmentally damaging oil spills,⁷ and the fact that Line 5 is nearly 70 years old, well beyond its 50-year expected lifespan.⁸ This pipeline has spilled over 30 times, dumping more than a million gallons of oil.⁹

In September, a federal court found Enbridge has been trespassing on Bad River Band of Lake Superior Chippewa lands since 2013 and profiting with Line 5 at the Tribe’s expense.¹⁰ The Band has been trying – so far unsuccessfully – to get the company to cease operating with expired easements.¹¹

Moving east, leaders of Michigan’s twelve federally recognized Tribal Nations, which together make up the Three Fires Confederacy of the Ojibwe, Odawa, and Potawatomi, sent a letter in

⁴ Op. cit.

⁵ *We’re in our forever home’: Ojibwe assert treaty rights, challenge a pipeline in northern Wisconsin.* (May 4, 2023).

<https://isthmus.com/news/cover-story/ojibwe-fight-enbridge-pipeline-on-bad-river/>

⁶ *Investigators: Enbridge Line 3 | KMSP FOX 9.* (May 22, 2023). <https://www.youtube.com/watch?app=desktop&v=OvKYIAL7uHQ>

⁷ *Minnesota Environmental Partnership.* “Update on the Enbridge Line 3 Aquifer Breaches and Spills.” (January 20, 2022).

www.youtube.com/watch?v=iGdn-XFDwZg

⁸ *MPCA: Enbridge Polluted Water at 63% of Horizontal Drilling Locations.” Watch the Line MN.* (August 10, 2021). <http://watchthelinemn.org/2021/08/10/mpca-enbridge-polluted-water-at-63-of-horizontal-drilling-locations>

⁹ *National Wildlife Federation, Line 5 webpage.* (n.d.). <https://www.nwf.org/Line5>

¹⁰ *Enbridge’s Line 5 Pipeline (Bay Mills Indian Community).* (n.d.). <https://narf.org/cases/enbridges-line-5-pipeline/>

¹¹ *Federal Judge finds Enbridge trespassed on Bad River lands, but stops short of shutting down Line 5.* (September 8, 2022).

<https://www.wpr.org/federal-judge-finds-enbridge-trespassed-bad-river-lands-stops-short-shutting-down-line-5>

¹¹ *Bad River Tribe Files Federal Lawsuit Against Enbridge.* (July 23, 2019).

<https://www.wpr.org/bad-river-tribe-files-federal-lawsuit-against-enbridge>

2021 urging you and your Administration to support efforts to decommission Line 5.¹² Earlier that year, the Bay Mills Indian Community went so far as to issue the “Banishment of Enbridge Energy, Inc. Line 5 Dual Pipelines from the 1836 Treaty of Washington Ceded Territory, waters of the Great Lakes, and the Straits of Mackinac.”¹³

In 2016, the Midwest Alliance of Sovereign Tribes, an inter-tribal organization representing all 35 federally recognized Tribes located in Michigan, Wisconsin, Minnesota, Indiana and Iowa, called for the immediate closure of Line 5 under the Mackinac Bridge.¹⁴ In violation of our treaty rights, Enbridge has disregarded every one of these directives.

Michigan Governor Whitmer revoked Enbridge’s 1953 easement in November 2020, citing “persistent and incurable” violations: “Enbridge has imposed on the people of Michigan an unacceptable risk of a catastrophic oil spill in the Great Lakes that could devastate our economy and way of life.”¹⁵ Michigan Attorney General Nessel has an ongoing lawsuit to enforce this shutdown order, to date disregarded by Enbridge.¹⁶

Independent consultants have estimated clean-up costs for a crude oil spill in the Great Lakes at \$1.878 billion.¹⁷ According to a Michigan State University study, a Line 5 oil spill in the Straits of Mackinac could cause a domino effect cutting the nation’s Gross Domestic Product by \$45 billion in 15 days.¹⁸ A related study found more than \$6 billion in direct economic impacts to tourism, property values, and more.¹⁹

The catastrophic 2010 Kalamazoo River cost \$1.21 billion to clean up,²⁰ and still caused deep damage to land and water, Nottawaseppi cultural and treaty-protected practices.

Such spills are never fully cleaned up.

Canada has invoked the 1977 Transit Pipeline Treaty to keep Line 5 running past its engineered life expectancy. However, the Treaty’s fourth article allows the United States to regulate

¹² Letter from Michigan’s 12 federally recognized Tribal Nations to President Biden. (November 4, 2021).

https://www.baymills.org/_files/ugd/869f65_f8e5288d82084540a9f0e7d5d6c0921f.pdf

¹³ Bay Mills Indian Community RESOLUTION NO. 21-05-10A. (May 10, 2021).

https://narf.org/nill/documents/20210510BayMills_banish_Enbridge.pdf

¹⁴ Motion of the Midwest Alliance of Sovereign Tribes. (April 28, 2016).

<https://d3n8a8pro7vhm.cloudfront.net/oilandwaterdontmix/pages/723/attachments/original/1487109966/MAST-resolution-004-16.pdf?1487109966>

¹⁵ Whitmer orders Enbridge Line 5 shutdown, citing easement violations. (November 13, 2020).

<https://www.bridgemi.com/michigan-environment-watch/whitmer-orders-enbridge-line-5-shutdown-citing-easement-violations>

¹⁶ Oil Giant Enbridge Defies Line 5 Pipeline Shutdown Order, Faces Profit Seizures. (August 17, 2021).

<http://earthjustice.org/brief/2021/oil-giant-enbridge-defies-line-5-pipeline-shutdown-order-faces-profit-seizures>

¹⁷ An Analysis of The Enbridge Financial Assurances Offered to the State of Michigan On Matters Related To The Operation of The Enbridge Line 5 Pipeline At the Straits of Mackinac. (October 29, 2019).

https://www.michigan.gov/documents/ag/Master_Michigan_Enbridge_10_29_final_670367_7.pdf

¹⁸ Oil Spill Economics: Estimates of the Economic Damages of an Oil Spill in the Straits of Mackinac in Michigan. (November 20, 2018).

https://forloveofwater.org/wp-content/uploads/2018/11/ADDENDUM_MSU-for-FLOW_Line-5-Economic-Impact-Study_FINAL-11-20-2018.pdf

¹⁹ Oil Spill Economics: Estimates of the Economic Damages of an Oil Spill in the Straits of Mackinac in Michigan. (May, 2018).

https://forloveofwater.org/wp-content/uploads/2018/05/FLOW_Report_Line-5_Final-release-1.pdf

²⁰ New price tag for Kalamazoo River oil spill cleanup: Enbridge says \$1.21 billion. (November 5, 2014).

https://www.mlive.com/news/grand-rapids/2014/11/2010_oil_spill_cost_enbridge_1.html

Canadian pipelines the same as U.S. pipelines, with respect to “pipeline safety and technical pipeline construction and operation standards” and “environmental protection.”²¹

Enbridge’s proposed solutions to these urgent threats carry massive risk and would take years to implement. In Wisconsin, the company has said their proposed Line 5 expansion around the Bad River Reservation border would take at least six years to complete,²² while failing to meet the Band’s request to leave the watershed. In Michigan, Enbridge’s proposed Line 5 tunnel under the Straits of Mackinac would not be operational until 2030,²³ by which time your Administration intends to dramatically cut carbon emissions.

Revoking the Presidential Permit and forcing Enbridge to cease Line 5’s operations is consistent with your Administration’s directives for climate, nation-to-nation relations, and environmental justice. It is also consistent with the knowledge we share that the Great Lakes – one-fifth of the world’s surface freshwater at a time of growing water scarcity – are invaluable treasures that must be protected, regardless of political pressures, special interests, and short-term profits.

During the months-long shutdown of Line 6B in 2010, there was *no sizable impact on gas prices* in the area.²⁴ Similarly, the market would quickly adjust to a shutdown of Line 5. **Enbridge’s own experts predict that a shutdown of Line 5 would cause gasoline prices to rise by less than 1 cent per gallon in Michigan and Wisconsin.**²⁵ Recent studies have shown there is no public need for Line 5.²⁶

Water is life. We are joined in this appeal by a broad coalition of organizations representing millions of members, all calling on you to protect essential water, as well as wild rice, fisheries, and cultural survival.

Thank you for your urgent attention.

Sincerely, the Indigenous Women’s Treaty Alliance:

²¹ *Agreement between the Government Of Canada and the Government of the United States Of America Concerning Transit Pipelines.* (1977). <https://www.treaty-accord.gc.ca/text-texte.aspx?id=101884>

²² *Federal judge not inclined to shut down Line 5, begs Bad River tribe to work with Enbridge.* (May 18, 2023).

<https://pbswisconsin.org/news-item/federal-judge-not-inclined-shut-down-line-5-begs-bad-river-tribe-work-with-enbridge/>

²³ *Army Corps extends Line 5 tunnel review, delaying project at least 18 months.* (March 23, 2023).

<https://www.detroitnews.com/story/news/local/michigan/2023/03/23/army-corps-extends-line-5-tunnel-review-delaying-project-18-months/70017972007/>

²⁴ *Urge the Biden administration to shut down the Line 5 pipeline.* (n.d.).

<https://earthjustice.org/action/urge-the-biden-administration-to-shut-down-the-line-5-pipeline>

²⁵ *Line 5 shutdown would raise gas prices half-cent per gallon, Enbridge consultant says in court documents.* (June 8, 2022).

<https://www.michiganradio.org/economy/2022-06-08/line-5-shutdown-would-raise-gas-prices-half-cent-per-gallon-enbridge-consultant-says-in-court-documents>

²⁶ *Fact Check: When Line 5 Shuts Down, Detroit Jets Will Still Fly and Union Refinery Jobs Will Still Exist.* (November 17, 2020).

<http://forloveofwater.org/fact-check-when-line-5-shuts-down-detroit-jets-will-still-fly-and-union-refinery-jobs-will-still-exist-2>

Aurora Conley | Bad River Band of Lake Superior Chippewa, Anishinaabe
Environmental Protection Alliance; 1854 Treaty

Rene Ann Goodrich | Bad River Tribal Elder, Family Impact Committee Co Chair, WI
Department of Justice MMIW Taskforce, Native Lives Matter Coalition- No More
MMIWR Great Lakes; 1854 Treaty

Carolyn Gouge'-Powless | Red Cliff Band of Lake Superior Chippewa Anishinaabe Kwe;
1854 Treaty

Jannan J. Cornstalk | Citizen of Little Traverse Bay Bands of Odawa Indians; Director,
Water is Life Festival; 1794 and 1855 Treaty

Carrie Chesnik | Oneida Nation Wisconsin, Founder of the Treaty Land Trust; 1838
Treaty

Gaagigeyaashiik - Dawn Goodwin | Ojibwe/White Earth; Representative with
Indigenous Environmental Network and Co-founder of R.I.S.E. Coalition; 1855 Treaty

Nookomis Debra Topping | Nagajiwanaang (Fond du Lac), Co-founder of R.I.S.E.
Coalition; 1854 Treaty

Jaime Arsenault | White Earth Band of the Minnesota Chippewa Tribe; Tribal Historic
Preservation Officer (THPO)

Point of contact: osprey@wecaninternational.org

Enclosed: [Letter](#) to Prime Minister Trudeau and members of his cabinet, calling for Canada
to withdraw its use of the 1977 pipeline treaty and shut down Enbridge's Line 5 pipeline,
delivered May 15, 2023, in Ottawa at Parliament, signed by hundreds of organizations
and thousands of individuals.²⁷

Supporting Organizations:

A Community Voice
Accelerate Neighborhood Climate Action
Akiing Madeline Island
Animals Are Sentient Beings, Inc.
Arm in Arm 4 Climate DC

²⁷ *Indigenous Leaders, Environmental Groups, and Concerned Citizens Call on Canada to Shut Down Enbridge's Line 5 Pipeline.*
(May 17, 2023).
<https://communitiesunitedbywater.org/blog/indigenous-leaders-environmental-groups-and-concerned-citizens-call-on-canada-to-shut-down-enbridges-line-5-pipeline>

ARTivism Virginia

Beyond Extreme Energy

Bold Alliance

Businesses for a Livable Climate

Call to Action Colorado

Cascadia Climate Action Now

CatholicNetwork US

Clean Energy Action

Clean Water Action

Clean Wisconsin

Climate Action Rhode Island-350

Climate Crisis Policy

Climate Generation

Climate Hawks Vote

CO Businesses for a Livable Climate

CO Dem Party - Energy & Environment Initiative

Coalition Against Death Alley

CODEPINK SF Bay Area

Communist Party USA, EGF club

Communities United by Water

Community for Sustainable Energy

Concerned Citizens of St. John

Concerned Health Professionals of Pennsylvania

CT Climate Crisis Mobilization

Dayenu: A Jewish Call to Climate Action

Deignan Institute for Earth and Spirit at Iona University

Detroiters Working For Environmental Justice

Earth Guardians

Empower our Future

Extinction Rebellion Houston

Extinction Rebellion Phoenix

Extinction Rebellion San Francisco Bay Area

Extinction Rebellion US

Farmworker Association of Florida

FCCPR Climate Crisis Task Force

For Love of Water (FLOW)

Fox Valley Citizens for Peace & Justice

Fridays for Future Orange County
Fridays for Future US

Grassroots Environmental Education
Great Lakes Business Network
Great Lakes Water Protector Network
Greater New Orleans Housing Alliance
Greater New Orleans Interfaith Climate Coalition
Green New Deal Virginia
GreenFaith
Groundwork Center for Resilient Communities

Honor the Earth

I-70 Citizens Advisory Group
Idle No More SF Bay
Inclusive Louisiana
Indigenous Environmental Network
Indivisible Ambassadors
Institute for Policy Studies Climate Policy Program
Intheshadowofthewolf

Kickapoo Peace Circle

Larimer Alliance for Health, Safety and Environment
Littleton Business Alliance
Long Island Progressive Coalition
Louisiana League of Conscious Voters

MADRE

Mayfair Park Neighborhood Association Board
Media Alliance
Mental Health & Inclusion Ministries
Michigan Citizens for Water Conservation
Michigan Climate Action Network
Michigan Environmental Justice Coalition
Michigan League of Conservation Voters
Milwaukee Riverkeeper
Montbello Neighborhood Improvement Association
Movement Rights
MoveOn.org HobokenRESIST

National Wildlife Federation

Native Lives Matter Coalition - No More MMIWR Great Lakes
NC Climate Justice Collective
Nicaragua Center for Community Action
North American Climate, Conservation and Environment(NACCE)
North American Water Office
North Country Earth Action
Northern Michigan Environmental Action Council
Nuclear Information and Resource Service
Nukewatch

Oil and Gas Action Network
Oil and Water Don't Mix
Oil Change International
Olympia Green Faith
One Earth Sangha

Pennsylvania Interfaith Power & Light
People's Green New Deal, Madison, WI
Peoples Climate Movement - NY
Progress Michigan
Progressives for Climate
Protect Our Water, Heritage, Rights (POWHR)
Putnam Progressives

Rachel Carson Council
Rainforest Action Network
RapidShift Network
Richmond Interfaith Climate Justice
Rise Up WV
Rivers & Mountains GreenFaith Circle

Save EPA (former employees)
SEEKJOY
Seventh Generation
Sierra Club
Small Business Alliance
Southwest Organization for Sustainability
Spirit of the Sun, Inc.
Stand.earth
Stone Woman Art
Sunrise Movement
Surfrider Foundation

System Change Not Climate Change

Terra Advocati

Texas Campaign for the Environment

The Earth Bill Network

The Enviro Show

The Green House Connection Center

The Mind's Eye

The People's Justice Council

The Phoenix Group

The quantum institute

Third Act

Third Act Virginia

THIS! Is What We Did

Ties to La Tierra

Turtle Island Restoration Network

Unitarian Universalist Young Adult Divestment Caucus

Unite North Metro Denver

Upper Peninsula Propane Research Team

Urgent Action Fund for Women's Human Rights (UAF)

Vote Climate

Wall of Women

Western Slope Businesses for a Livable Climate

Women's Earth and Climate Action Network (WECAN)

Women's Environment and Development Organization

Women's International League for Peace and Freedom-Milwaukee Chapter

Womxn from the Mountain

Working for Racial Equity

Zero Hour

1000 Grandmothers for Future Generations

198 methods

350 Chicago

350 Colorado

350 New Orleans

350 Seattle

350 Triangle

350 Wisconsin