

BAD RIVER BAND OF LAKE SUPERIOR TRIBE OF CHIPPEWA INDIANS

CHIEF BLACKBIRD CENTER

P.O. Box 39 • Odanah, Wisconsin 54861

July 5, 2024

Gregory Ebel
President and CEO
Enbridge, Inc.
200, Fifth Avenue Place
425 – 1st St. S.W.
Calgary, Alberta T2P 3L8
Canada

Re: The Bad River Band's Plan to Install Log Jacks or similar structures at the Curve in Mashkiiziibii (Bad River) that has formed a peninsula around an Enbridge Energy pipeline (often called "the meander")

Dear Mr. Ebel,

The continued operation of Line 5 on the Bad River Reservation endangers Mashkiiziibii (Bad River), the functioning of her floodplain during high water, hunting and gathering in the floodplain (including gathering of traditional medicines), and the aquatic life and wildlife that depend on Mashkiiziibii. An area of particular concern is a winding curve in Mashkiiziibii that has formed a peninsula around Enbridge's pipeline (often called "the meander"), with the result that Enbridge's pipeline is now within eleven feet of Mashkiiziibii. The Band is aware of Enbridge's public statements of its current willingness to work with the Band on developing an engineering project at the meander that could be acceptable to the Band to protect Mashkiiziibii from the risks of Line 5's continued operation there.

While the Band believes that Enbridge should promptly eliminate those risks by ending its trespass and leaving the watershed, I write today on behalf of the Band to inform you of a potential design developed by the Band's engineers to protect the pristine nature of Mashkiiziibii and her wetlands for so long as Enbridge perpetuates its trespass. We invite Enbridge's cooperation.

Specifically, the Band's expert consultant, Wright Water Engineers (WWE), has developed in concept a plan to place "log jacks" (which are modular interlocking and removable log structures, as described in the links below) or similar devices where Line 5 is nearest the riverbank of Mashkiiziibii. The Band's Mashkiiziibii Natural Resources Department (MNRD)

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and WWE look forward to working with Enbridge on the details, but the basic parameters of WWE's plan are as follows:

- Ballasted log jacks would be placed along the existing bank of Mashkiiziibii at the meander. Because the shape of the jacks allows them to be placed on an uneven surface, no grading of the riverbank—which is manifestly environmentally intrusive—would be required.
- To reduce construction time and mitigate environmental impacts and risks, the log jacks would be pre-fabricated off-site and transported by truck to an easily accessible staging area near the meander.
- To avoid the use of heavy equipment in the river or on the bank to place the log jacks, or the associated need to construct roads or bridges for equipment access to the meander, a helicopter would be used to ferry the log jacks from the staging site to the meander and to lower the log jacks in place.
- To further minimize impact, design alternatives would be assessed to determine precisely where protection is needed.
- Because the log jacks are fabricated off-site and require no grading or heavy equipment to install, additional log jacks can be installed (or log jacks removed) with minimal impact if ongoing monitoring reflects a need for modifications.
- To satisfy the essential requirement that Mashkiiziibii continue her natural migration after this project is complete, the log jacks would be removed by helicopter after they have served their purpose. In stark contrast to Enbridge's previously proposed measures, the log jacks are completely removable.
- The project design minimizes the environmental impacts and risks of helicopter-based construction, requiring up to 90% fewer flights than Enbridge's most recent proposal. Further, helicopters would not transport heavy machinery to the site (because none would be needed).
- In sum, this plan could protect Mashkiiziibii, her floodplain, and the cultural and aquatic life that depend on her, all while requiring a shorter installation time, fewer construction-related risks, and less environmental impact than Enbridge's previously proposed measures.
- At the same time, the log jacks would be potentially more effective than those proposed measures in reducing the risks of Line 5's continued operation. Log jacks are a recognized and proven approach. *See* WSDOT Hydraulics Manual 10-14 & 10A-9 (April 2024), <https://wsdot.wa.gov/publications/manuals/fulltext/M23->

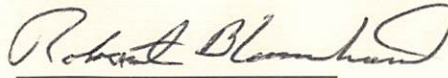
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[03/M230310Revision.pdf](#). A report summarizing their successful use on the Newaukum River in Washington can be found here:
<https://tunistaconstruction.com/wp-content/uploads/2022/07/Project-of-the-Year-2022-WAChapter-POTY-Submittal-NewaukumValleyRoad-r.pdf>.

I have instructed MNRD and WWE to work with Enbridge on project details to ensure the project's effectiveness, to evaluate and minimize water quality impacts, and to facilitate review under the relevant environmental laws. Please direct your communications about this project to MNRD Director Naomi Tillison, who we understand has already invited Enbridge's representatives to meet with MNRD and WWE on July 10 to discuss the issue.

I was encouraged by Enbridge's ultimate cooperation with the Band's earlier request to install an emergency flow restricting device on the Reservation. We hope that today's invitation to Enbridge to further mitigate the risks of rupture will be met with similar good faith.

Sincerely,



Robert Blanchard
Chairman of the Bad River Band of
Lake Superior Chippewa Indians

cc: Tribal Council
Naomi Tillison, Director of Mashkiiziibii Natural Resources Department
Paul Eberth, Director of Midwest Region Operations, Enbridge