Bad River Band Of Lake Superior Tribe Of Chippewa Indians

CHIEF BLACKBIRD CENTER P.O. Box 39 • Odanah, Wisconsin 54861

February 25, 2020

Vern Yu, Executive Vice President
and President, Liquids Pipelines
Enbridge Pipelines Inc.
200, 425 – 1st Street SW
Calgary, Alberta
Canada, T2P 3L8

Re: February 24, 2020 Meeting; Use and Possession of Lands on the Bad River Reservation from June 2, 2013 to Present.

Dear Mr. Yu,

On Monday, February 24, you were invited to meet with the Tribal Council of the Bad River Band of the Lake Superior Tribe of Chippewa Indians to discuss payment for Enbridge's unlawful occupation of tribal lands. Since June 3, 2013, Enbridge has operated Line 5 across the Band's Reservation in trespass, in violation of Band and federal law. We have requested that Enbridge pay the Band $45 million as compensation for this trespass. Enbridge owes a debt to our community, a very substantial debt from years of trespass and abuse to our lands and resources. To show good faith, Enbridge must pay this debt now, without contingencies. The pain and suffering in our community is real – it is shameful that Enbridge would use it as a wedge to pit our people against one another.

We emphasize once again that this discussion concerns Enbridge's past trespasses only. On January 4, 2017, the Tribal Council enacted Resolution No. 1-4-17-738, committing the Band to "take all action permitted under the law for Line 5 removal project development on Bad River lands and watershed." This commitment was reaffirmed on October 30, 2019 in Resolution No. 10-30-19-226, in which the Band committed to "take all action permitted under the law for Line 5 removal within the waters of the Reservation and Mashkii-ziibi (Bad River) Watershed, waters that in the natural world are all the same, intimately connected, flowing into Anishinaabeg-gichigami (Lake Superior)." The Band has not wavered in this commitment, and maintains its intention to take all actions available under law to effectuate Line 5's removal from the Band's lands and watershed, including through the continued prosecution of the trespass and nuisance actions filed by the Band against Enbridge in July of 2019.

Telephone (715) 682-7111 Fax (715) 682-7118

During our discussion on the 24th, Enbridge Senior Leadership asked us what would be required to resolve our claims. Our position has not changed. If you are serious in your desire to settle this lawsuit, you can take the following steps:

- Pay the Band's request for $45 million in past trespass damages.
- Expeditiously cease operation of Line 5 on the Bad River Reservation.
- Take all steps necessary to decommission Line 5 or to reroute it outside of the Bad River watershed.
- Enter into a stipulated court order memorializing these commitments.

Sincerely,

Michael Wiggins Jr.
Chairperson

cc: Brad Shamla, US Operations
David Mullon
Arshia Javaherian
Tribal Council