



Bay Mills Indian Community

12140 West Lakeshore Drive
Brimley, Michigan 49715
(906) 248-3241 Fax-(906) 248-3283



March 23, 2018

Bradley Shamla,
Vice-President U.S. Operations
Enbridge Energy, L.P.
26 East Superior Street, Suite 309
Duluth, MN 55802

Re: The Line 5 Pipeline's impact on the rights of the Bay Mills Indian Community

Dear Mr. Shamla,

As you are aware, Enbridge entered into an agreement with the State of Michigan on November 27, 2017 “to increase coordination with the State concerning the operation and maintenance of Line 5 located in the State of Michigan[.]” In entering this agreement, Enbridge acknowledged that Line 5 impacts areas that are “of vital significance to the State and its residents, ***to tribal governments and their members***, to public water supplies, and to the regional economy[.]”

Neither Bay Mills nor any other tribes in Michigan were made aware that the State and Enbridge were negotiating this agreement; and, Bay Mills did not have the opportunity to shape the terms of the agreement – despite the fact that the agreement acknowledges our interests and purports to address them.

Bay Mills Indian Community will not be a bystander as Enbridge and the State agree to take actions that directly impact the rights of our tribe and our citizens.

Bay Mills is party to the 1836 Treaty of Washington, which ceded nearly half of the lands comprising the State of Michigan to the United States. In exchange, Bay Mills (along with four other Odawa and Ojibwe tribes) expressly reserved hunting and fishing rights throughout the ceded territory – including the Straits of Mackinac and in other areas directly impacted by the Line 5 Pipeline. These rights have been recognized by the United States and the State of Michigan, and have repeatedly been affirmed by the federal courts.

In addition, Bay Mills and its members have recognized legal rights to protect places of worship and spiritual practice, as well as areas of cultural significance.

Our tribal members exercise these rights by engaging in commercial fishing activities that create jobs—adding value to the northern Michigan economy—and engaging in religious practices

throughout the ceded lands and in the Straits area. As Enbridge has acknowledged, the operation of the Line 5 Pipeline has the potential to impact the rights of the Bay Mills Indian Community and the livelihood of our tribal members.

As a sovereign Indian tribe, Bay Mills is capable of protecting our legal rights. We are seeking Enbridge's cooperation in helping us protect those rights.

Accordingly, I am requesting a meeting with you to establish a means by which Bay Mills Indian Community will receive such information, as Enbridge has agreed to provide the State of Michigan under its November 27, 2017 agreement. As a similarly situated government, Bay Mills seeks to establish a relationship with Enbridge that affords our community enforceable assurances that Enbridge will operate the Line 5 Pipeline in a manner that protects Bay Mills' legal interests until there is a final resolution on the future of the Line 5 Pipeline in Michigan.

The November 27th Agreement between Enbridge and the State also contemplates "a potential further agreement to address issues concerning actions related to pipelines across the Straits, with a goal of executing such agreement by August 15, 2018." Bay Mills expects to be a party to any such discussions and future agreements to ensure that our rights are protected. I am requesting that we also discuss the process by which Bay Mills will participate in the process of negotiating future agreements.

In making this request, Bay Mills is not consenting to the indefinite operation of the Line 5 Pipeline beneath the Straits of Mackinac. Rather, we are seeking to discuss our immediate concerns regarding the operation of the Line 5 Pipeline within our ceded territory.

I ask that you respond to this letter in writing by April 23, 2018. Bay Mills will consider the absence of a written response by April 23rd to be Enbridge's denial of this request.

Miigwetch (Thank you),



Bryan Newland, President
Bay Mills Indian Community

Cc: Keith Creagh, Director of Michigan Department of Natural Resources
David Nyberg, Deputy Legal Counsel to Governor Rick Snyder
Andrew Birge, Acting U.S. Attorney for the Western District of Michigan
Aaron Payment, Chairman of the Sault Ste. Marie Tribe of Chippewa Indians
Larry Romanelli, Ogema of the Little River Band of Ottawa Indians
Regina Gasco-Bentley, Chairwoman of the Little Traverse Bay Bands of Odawa Indians
Thurlow "Sam" McClellan, Chairman of the Grand Traverse Band of Ottawa & Chippewa Indians