

ENBRIDGE LINE 5 PIPELINE POINTS OF INFORMATION

- Ojibwe (Chippewa) and Odawa (Ottawa) tribes signed a treaty in 1836 ceding millions of acres to the United States, which paved the way for statehood in 1837. The Treaty of 1836 reserved the Tribes' right to hunt and fish throughout the ceded territory – including the Straits of Mackinac. In 1979, a Federal Court confirmed the Tribes' right to fish throughout the ceded territory – including in the Straits of Mackinac.
- Since 1985, the Tribes, the State of Michigan, and the Federal Government have managed the Great Lakes fishery by agreement (under court supervision in the case of *United States v. Michigan*). Right now, the parties are actually negotiating a new agreement to manage the Great Lakes fishery. One of the subjects in the negotiations is the protection of habitat and the restoration of certain fish species in Lake Michigan and Lake Huron.
- Enbridge is a Canadian-based pipeline company that operates the Line 5 Pipeline, which cuts through the 1836 Treaty Territory. The Line 5 Pipeline crosses hundreds of rivers and streams connected to the Great Lakes, and also rests on the bottom of Straits of Mackinac, which connects Lake Michigan and Lake Huron. Enbridge is responsible for a 2010 oil spill in Michigan's Kalamazoo River, which resulted in nearly 1 million gallons of oil being released into Michigan's waterways.
- State and federal agencies have stated that Enbridge's Line 5 Pipeline violates several easements, including the easement to cross the Straits of Mackinac. There has been intense public scrutiny on the safety of the existing pipeline, which was placed on the lakebed in the 1950's. Candidates for Governor of Michigan have expressed a desire to decommission the pipeline due to the risks it poses to the Great Lakes (the largest source of freshwater in North America).
- Michigan's current Governor has signed an agreement with Enbridge to allow the Line 5 Pipeline to remain in operation permanently; and, is working to authorize the construction of a new tunnel for the pipeline beneath the Straits of Mackinac prior to leaving office on January 1, 2019. The Governor has excluded the 1836 Treaty Tribes (and Michigan's 12 federally recognized tribes) from this process.
- Michigan's 1836 Treaty Tribes have expressed their intent to include the Line 5 Pipeline among the subjects of negotiation for a new treaty fishery management agreement with the State of Michigan and the Federal Government. That agreement would take effect in 2020. The Governor's agreements with Enbridge are a unilateral attempt to prevent tribes from being able to negotiate over the future of the Line 5 Pipeline, and its impact on the tribal fishery.
- The Line 5 Pipeline poses enormous risks to our treaty rights. If the Pipeline were to burst or leak, it would destroy important fish habitat. Vast swaths of our treaty waters would become "unfishable," and impossible to restore, effectively destroying our treaty rights themselves.
- Hundreds of tribal fishermen in northern Michigan depend upon the exercise of treaty fishing rights for their livelihoods; a pipeline spill would destroy their jobs and livelihoods. In addition, many small businesses in northern Michigan that depend upon our fishery – including wholesalers, restaurants, and retailers would also be devastated.

- In addition to reaching agreements with Enbridge, the State has now begun transferring to implement those agreements to an independent entity – the Mackinac Bridge Authority – at a time where the Governor has the convenient opportunity to appoint new members to the Authority who are sympathetic to Enbridge’s goals. The 1836 Treaty tribes have little opportunity to influence that entity.
- The Tribes view these developments as the State’s abdication of its responsibility to work with us to protect our treaty fishing rights, the Great Lakes themselves, and the health of Michigan’s citizens.
- The State has a legal obligation to work with the Tribes to address its concerns over the Line 5 Pipeline and the future of the Straits; the State and the Tribes are party to ongoing litigation over tribal treaty rights in the case of *United States v. Michigan*. Bay Mills Indian Community, and other 1836 Treaty Tribes, are working to prevent the State from taking unilateral action on the Line 5 pipeline in a way that will affect treaty fishing rights without tribal consent or input.

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