

PUBLIC NOTICE

Environmental Review; Right of Way Agreement: **Enbridge Proposal at Bad River “Meander”**

The Bad River Tribe is currently evaluating the proposed Right of Way (ROW) Agreement and Environmental Review requirements and criteria. Under *Bad River Tribal Court Code Chapter 4.07.050(C)*, a Public Comment period is required. A 15-day public comment period begins January 28, 2025, and ends on February 11, 2025. All comments received are considered during the review.

A public hearing will be held at the Bad River Community Center on February 6th at 5pm.

ROW Summary

Enbridge Energy, Limited Partnership (“Enbridge”) has a proposed ROW associated with their log jack project to a Bad River Reservation Tribal River and Land location. Enbridge has submitted a ROW Application and associated materials as required by Tribal Code at Chapter 4.07 *Energy Product Facility Rights of Way and Service Lines* to install erosion-management structures called “log jacks” on up to approximately 562 linear feet of the Bad River riverbank within the Bad River Reservation. Substantial bank erosion has occurred at this meander—most recently during the spring of 2023 when river flows overtopped the riverbank into the floodplain three successive times—leaving only 10-11 feet of bank between the Bad River and the Line 5 oil and natural gas pipeline at the closest location. As the natural erosion and meandering of the riverbank closer to the pipeline continues, the pipeline will eventually be exposed, which increases the risk of an oil spill.

Enbridge is proposing the project in an effort to prevent the exposure of the Line 5 pipeline. Enbridge is requesting approval to: (a) initially install log jacks along approximately 309 linear feet of the Bad River bank (0.33 acres of fill); (b) implement an adaptive management strategy to potentially add or remove log jacks in the future, dependent upon bank conditions and in coordination with MNRD, along up to an additional 253 linear feet of riverbank (includes both upstream and downstream extents) (0.60 acres of fill); (c) access the project site to complete monitoring and maintenance activities; (d) remove the log jacks within the project duration of one to three years as stated in the land use application for the log jack project; and (e) utilize 0.190 acres on Trust Land as a construction easement, which is a portion of the temporary workspaces required for the log jack project. The total length of riverbank on which Enbridge proposes to install log jacks, including both the area where the log jacks are proposed to be initially installed and the adaptive management area, is thus potentially as much as 562 linear feet of the Bad River bank (0.93 acres of fill).

Posted: 1/28/25

Note: this proposal is for a 2-year *Right-of-Way only* in order to cause Enbridge to mitigate potential damage to this waterway, a matter of urgent concern for the Tribe. It does not in any way affect the Tribe's pending litigation with Enbridge, nor will it give Enbridge permission to keep Line 5 in place long-term.

The Bad River Tribe's Mashkiiziibii Natural Resources Department's (MNRD's) preliminary determination is that the proposed ROW meets the following categorical exclusion to the environmental review requirement in Chapter 4.07:

(J) Cleanup actions taken under the supervision of the Tribe to avoid, minimize, stabilize, mitigate, or eliminate the release or threat of release of an existing hazardous waste or substance.

MNRD's preliminary determination may be reviewed online at: <https://www.badriver-nsn.gov/news/>. A hardcopy is available at the Bad River Library during business hours, at MNRD during business hours, and/or by contacting the Land Records In-Take Specialist.

Written comments must be emailed or sent by US Mail to:

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Verbal and written comments will be accepted at the public hearing.

The deadline for comments is February 11, 2025