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Bad River Band's Filing for Emergency Closure Necessary to Protect Great Lakes from Dangerous Line 5 Pipeline

MADISON, Wis. (May 10, 2023) — The Bad River Band's [emergency filing](#) seeking to close Enbridge Energy's dangerous Line 5 pipeline will help protect the Tribe from a catastrophic oil spill as well as the people and wildlife who depend upon the Great Lakes. The filing, filed in a U.S. District Court, highlights how the pipeline is at risk for exposure, with some estimates showing only 11 feet of protective soil underneath or five feet of soil covering on top. A breach of the pipeline could destroy local waters, harm wildlife, and create a public health crisis in the area. The Bad River feeds directly into Lake Superior; a rupture would mean contamination throughout the Great Lakes.

"Enbridge insisted that it would be years before we would see this kind of erosion. Yet, here we are facing an imminent catastrophe," said **Beth Wallace, freshwater campaigns manager for the National Wildlife Federation**. "Not only is Enbridge knowingly trespassing on sovereign territory, but they appear to be gambling with an entire ecosystem to continue to pocket millions a day."

According to the filing, half of the river bank has disappeared over the course of one month, which means that one big storm could entirely wipe out the bank and expose the pipeline.

In October 2022, the Bad River Band's experts testified at trial that spring flooding would render Line 5 inaccessible, cause damage to the supporting soil underneath the Line, or even expose the pipeline to river water flow. Enbridge asserted during the trial that this was a worst-case scenario, unlikely to happen at all, much less in the near future. However, seven months later, Tribal experts have [drone footage](#)* and concrete evidence that the exact scenario they laid out is taking place. The area where the pipeline is dangerously exposed became inaccessible — even by boat — because of flooding, rendering potential safeguards useless.

A growing number of residents, Indigenous Nations, lawmakers, businesses, and advocacy organizations in the Great Lakes region are working to shut down Line 5, which is one rupture away from [threatening a significant part of the Great Lakes](#), which constitute 20 percent of the world's surface freshwater.

Enbridge has been operating its Line 5 pipeline on Bad River Band sovereign land since 1953 and has been in active and known trespass since 2013.

"Freshwater is the lifeblood of the Great Lakes region," said **Ashley Rudzinski, climate and environment program director for Groundwork Center for Resilient Communities**, "Enbridge's continued operation of Line 5 represents a direct affront to tribal sovereignty and potential catastrophe for the Bad River and the world's second largest lake, Lake Superior. With rising floodwaters inching ever closer to the over 70-year old pipeline, we need all decision makers, including President Biden, to act with the urgency demanded by this grave situation."

"Enbridge has proven itself more than willing to put the Great Lakes at risk to keep the oil and profits flowing. Let's hope the Bad River Band's effort to convince the court to stop this imminent danger is successful," said **Scott Strand, senior attorney at the Environmental Law & Policy Center**.

"The ecological, spiritual, cultural, and economic importance of Lake Superior and the Great Lakes cannot be understated," said **Michelle Woodhouse, water program manager at Environmental Defence**. "A rupture from Line 5 into the Mashkiiziibii (Bad River) watershed would be devastating to the Anishinaabeg and Lake Superior communities on both sides of the Canadian and U.S. border. The Great Lakes hold 84 per cent of North America's fresh water. We do not need Line 5 to meet our energy needs. Canada must stop obstructing efforts to shut down the Line 5 pipeline."

"Line 5 needs to be shut down. Every rainfall or snow melt brings us closer to a disaster. Lake Superior and the Bad River watershed are critical to the life and health of the region. We can't allow Enbridge to continue to trespass on sovereign territory while risking our water, wetlands, and climate," said **Elizabeth Ward, Sierra Club Wisconsin director**.

"We are extremely alarmed to see the shrinking distance between Line 5, which is operating in trespass of the Bad River Band, and the raging river current," said **Managing Attorney Debbie Chizewer for Earthjustice**, which represents the Band on some Line 5 issues. "If government officials don't use their power to shut down Line 5, this disaster will be on their hands."

As extreme weather events become more frequent and intense with climate change, we need to consider rising floodwaters as an imminent threat to the aging crude oil pipeline, said **Denise Keele, director of the Michigan Climate Action Network**, and shut down Line 5 now to avert disastrous impacts on the Bad River, Lake Superior, and our freshwater.

"As an organization located in Lake Superior, on Moningwaune'akanig Minis, Madeline Island, the sacred center of the Anishinaabe, Communities United By Water adds our voices to demand that someone shut down this pipeline immediately. We have watched the banks of the Bad River eroding for years. How much longer do we wait to shut it down? Wisconsin pipeline safety is supported by the Public Service Commission. Wisconsin Emergency Response Plan as contingencies for fuel shortages but not fuel spills. Shut it down now!" **Barbara with Communities United by Water**.

“This serious threat to the Bad River and Lake Superior showcases corporate culture placing profit above people's livelihoods and the environment. Lake Effect Surf Shop stands behind the Tribe in defending their sacred lands and way of life against this reckless corporation. Continued operation of Line 5 is nothing more than bad business and an accident waiting to happen,” **said Jacob Bressette, owner of Lake Effect Surf Shop, Great Lakes Business Network, and Bad River Band member.**

“An oil spill from the Line 5 pipeline into the Bad River would be an utter disaster for the health of all people, fish, and wildlife that depend on clean water in the region,” **said Bentley Johnson, federal government affairs director for the Michigan League of Conservation Voters.** “The people of the Bad River Band have sounded the alarm about the threat of erosion in this area for years, yet Enbridge continues to prioritize profits over people by refusing to take necessary action to eliminate the threat. Decision makers at all levels should be alarmed and take immediate steps to shut down Line 5 and create an orderly, planned energy transition for the Great Lakes region away from Line 5.

For more background on Line 5 visit [National Wildlife Federation's Line 5 page](#).

*Drone footage credit courtesy David Joe Bates.

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