

# Fond du Lac Band of Lake Superior Chippewa Reservation Business Committee

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March 21, 2022



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Tribal Programs

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Executive Director,

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**Terry Savage**

The Fond du Lac Band of Lake Superior Chippewa (FDL) was notified by Enbridge on September 10<sup>th</sup>, 2021 of an aquifer breach that occurred earlier that month, located off the FDL Reservation. Due to the breach, the aquifer is discharging its water content within the boundaries of the Reservation upstream of Deadfish Lake. As of March 21<sup>st</sup>, 2022, the volume of water discharged was approximately 219,600,000 gallons. The flow could potentially violate the Band's water quality standards and impact the Band's natural resources, including one of the wild rice waters of the Reservation.

As a sovereign entity, the Band adopted stringent water quality standards in 1998, which put regulations and safeguards in place that surpass those at the Minnesota State level. These water quality standards prompted decades of specialized, technical investment in stewarding our cultural and natural resources; the breach's hydrologic alteration could threaten that work.

The aquifer breach presents a complicated, multi-jurisdictional challenge involving rapidly changing developments under investigation. Several public entities are working to ensure Enbridge is held responsible for mitigating any damages discovered. The government agencies involved include FDL, Minnesota Department of Natural Resources, Minnesota Pollution Control Agency, Minnesota Department of Health, Minnesota Department of Natural Resources, Army Corps of Engineers, and St. Louis and Carlton Counties.

Although the Band was not the permitting entity tasked with ultimately approving Line 3 or Enbridge's construction plans, the Band issued a 401-water quality certification and a wetland activity permit which imposed separate conditions on Enbridge to protect the Band's waters. In addition, the Band closely followed on-site events associated with Enbridge's construction plans on and near the Reservation. Once notified of the breach, we immediately allocated resources to independently assess the breach's ecological, cultural, and economic ramifications. These actions, along with the Band's water quality standards ordinances, will help protect the Band's resources. The Band is currently assessing all options to ensure that Enbridge mitigates and repairs damages arising from the breach.

As of February 16th, 2022, the corrective action plan was approved by all necessary state and tribal agencies. Enbridge has completed the majority of the work to plug the aquifer and has reduced groundwater seeps to six gallons a minute.

Sincerely,

The Fond du Lac Reservation Business Committee