

1 **2021 RES-107**
2 **IN SUPPORT OF CLEAN WATER AND TREATY RIGHTS**
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4 The Great Lakes comprise the largest freshwater system in the world. They contain over 20% of
5 the Earth's fresh water and are the primary water source for more than 40 million people. Lake
6 Superior is the largest freshwater lake by surface area on Earth, containing 10% of the Earth's
7 fresh water. The Kakagon and Bad River Sloughs on the shore of Lake Superior in the Bad
8 River Reservation were designated [Wetlands of International Importance](#) by the Ramsar
9 Convention (The Convention on Wetlands of International Importance) in 2012 because they
10 contain the only remaining extensive wild rice bed in the Great Lakes. The headwaters of the
11 Mississippi River, the second longest river in North America, are located at Lake Itasca in
12 northern Minnesota. A great diversity of Indigenous peoples have lived in the Great Lakes
13 region for thousands of years, creating many sites of historical and cultural significance to
14 contemporary Tribal communities.

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16 Ojibwe Tribes' rights to hunt, fish, gather, and practice traditional lifeways off reservation
17 throughout northern Minnesota, northern Wisconsin, and northern Michigan have been codified
18 by more than a dozen treaties with the U.S. Government during the 1800's, particularly in [1837](#),
19 [1842](#), [1854](#), and [1855](#), and have been upheld in several federal courts since then. These [treaty](#)
20 [rights](#)—along with many historic cultural sites and the waters in the Upper Mississippi watershed
21 and the western Great Lakes—are threatened by the construction of Line 3, an expanded,
22 rerouted tar sands pipeline passing through northern Minnesota, and portions of Line 5, a
23 reroute of an old, corroding crude oil pipeline that should have been decommissioned over a
24 decade ago by Enbridge Energy (Enbridge), a Canadian multinational corporation. Line 5
25 passes through northern Wisconsin and Michigan's Upper Peninsula and crosses under the
26 Straits of Mackinac. In Minnesota, Line 3 passes under more than 200 bodies of water and has
27 22 river crossings, including the Mississippi River.

28
29 The proposed reroute of Line 5 in Wisconsin passes under dozens of wetlands and crosses
30 White River, Brunsweller River, Trout Brook, Silver Creek, Bad River, Tyler Forks, Potato River,
31 and Vaughn Creek, all of which drain into the Kakagon and Bad River Sloughs. Enbridge has a
32 history of catastrophic oil spills in the Upper Midwest, including in 1991 in Minnesota, where 1.7
33 million gallons of oil spilled near the Prairie River, and in 2010 in Michigan, where 1.1 million
34 gallons of tar sands oil spilled into the Kalamazoo River.

35
36 From 2002 to 2018, Enbridge and its joint ventures and subsidiaries reported 307 hazardous
37 liquids incidents to federal regulators—one incident every 20 days, on average—which released
38 a total of 2.8 million gallons of hazardous liquids. The continued extraction of tar sands oil and
39 expansion of fossil fuel infrastructure is contradictory to the goals of the Paris Agreement, a
40 legally binding international treaty on climate change, for which the Dane County Board
41 expressed its continuing support via 2017 Resolution 134.

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43 Lines 3 and 5 would disproportionately affect Tribal people, threaten resources critical to the
44 survival of tribal communities, and exacerbate the already profound disparities in health access

45 and outcomes that tribal communities face as a result of structural racism. At least 17 Tribal
46 governments and Inter-Tribal organizations have passed resolutions opposing potential new
47 Line 5 construction and demanding the decommissioning of the pipeline from under the Straits
48 of Mackinac. In July 2019 the Bad River Band of Lake Superior Chippewa sued Enbridge to
49 shut down the over [sixty year-old Line 5 pipeline](#) running through the Reservation, two years
50 after the expiration of Enbridge’s easement.

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52 Citing environmental risks and other factors, the Minnesota Department of Commerce
53 concluded three times during the permitting process, most recently in August 2020, that the Line
54 3 expansion is not in Minnesota’s interest and that the existing pipeline should cease
55 operations. In November 2020, following a state review that found that Line 5 is putting the
56 Great Lakes at risk, Michigan Governor Gretchen Whitmer ordered Enbridge Energy to shut it
57 down. In June 2021, the Biden Administration ordered a complete Environmental Impact
58 Statement to be completed for the portion of Line 5 that passes under the Straits of Mackinac.
59 On July 2, 2021, the Minneapolis City Council unanimously passed a resolution “[Opposing the](#)
60 [Enbridge Energy Line 3 Tar Sands Oil Pipeline](#)”.

61
62 Dane County is located on the traditional homelands of the Ho-Chunk people and their
63 ancestors. Dane County is home to a thriving Native community, including members of all 11
64 federally-recognized Wisconsin Tribes, as well as Tribal Nations from across the continent.

65
66 Dane County recognizes the importance of maintaining government-to-government
67 relationships between Tribal governments and local, state, and federal governments established
68 by treaties between Tribes and the U.S. Government, and has recognized Indigenous Peoples
69 Day since 2005.

70
71 The highest concentration of Late Woodland effigy mounds is centered in Madison and Dane
72 County, although most of them were destroyed by the middle of the 20th century, and the State
73 of Wisconsin, County of Dane, and City of Madison have codified protection of sacred and
74 otherwise culturally important sites in law and ordinance.

75
76 In addition, in 2017 the Dane County Executive created an Office of Energy & Climate Change
77 (EOCC), charged with creating a countywide, economy-wide Climate Action Plan. This planning
78 process convened the Dane County Council on Climate Change (Council), composed of 38
79 members representing County government, local governments, the Ho-Chunk Nation, energy
80 and water utilities, business, labor, social and environmental advocacy groups, and UW-
81 Madison, to participate in the creation of a Climate Action Plan.

82
83 The Office of Energy & Climate Change worked with expert climate modelers to measure the
84 emissions impacts of the cumulative recommendations of the Council and the modelers found
85 that Dane County could reduce its carbon equivalent emissions by 50% by 2030, which is
86 consistent with recommendations from the Intergovernmental Panel on Climate Change that
87 emissions be reduced by 45% by 2030. In April 2020, the Office of Energy & Climate Change
88 issued a Climate Action Plan, *Today’s Opportunity for a Better Tomorrow: 2020 Dane County*
89 *Climate Action Plan*, incorporating the recommendations of the Dane County Council on Climate
90 Change. The Dane County Board passed 2020 Resolution 181 supporting implementation of

91 the Dane County Climate Action Plan.

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93 Heavily invested in our lakes, Dane County also understands the vital importance of protecting
94 our natural resources, and our water, in particular.

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96 NOW, THEREFORE, BE IT RESOLVED that Dane County supports the rights of Ojibwe Tribes
97 to hunt, fish, and gather as established by treaties, including their actions to protect the land and
98 waters of the Upper Mississippi and Great Lakes watersheds on which those rights are
99 practiced, by opposing the construction of Enbridge Lines 3 and 5; and

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101 BE IT FURTHER RESOLVED that Dane County calls on all residents of Dane County to raise
102 awareness about this important struggle for Indigenous sovereignty and environmental justice
103 by learning from Indigenous leaders, Native organizations, and other organizations such as
104 stopline3.org, nativejustice.org, narf.org, oilandwaterdontmix.org, and to support the water
105 protection efforts in any way they can; and

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107 BE IT FURTHER RESOLVED that Dane County calls upon the Wisconsin DNR to reject
108 Enbridge's permit application for the construction of Line 5 across so many sensitive
109 environmental and cultural areas in Northern Wisconsin; and

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111 BE IT FURTHER RESOLVED that Dane County calls upon every elected leader at the local,
112 state, and federal level with the authority to stop the construction of Lines 3 and 5 to do so
113 immediately; and

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115 BE IT FINALLY RESOLVED that Dane County hereby requests the Dane County Sheriff to
116 reject any request for mutual aid by another law enforcement agency for the purpose of
117 protecting Enbridge property along Lines 3 or 5, or for suppressing resistance to Enbridge's
118 activities along Lines 3 or 5.