



The Bad River Band of Lake Superior Chippewa

Enbridge Exploits U.S. Regulatory Gaps to Occupy Tribal Land

Odanah, Wisc. (February 20, 2026) – Three years ago, a federal district court gave Enbridge until June 16, 2026, to end its now 13-year trespass across the Reservation of the Bad River Band of Lake Superior Chippewa. Earlier this month Enbridge filed a rare motion with the district court asking it to modify its order, despite the fact that the order is on appeal. Enbridge asked the court to strike the June 2026 shutdown date and instead allow Enbridge to continue operating in trespass on the Reservation indefinitely, for an unspecified amount of rent.

Enbridge seeks to justify its motion by arguing that its presence on the Reservation is causing the Band no harm. Declarations filed by the Band in responding to Enbridge's motion tell a very different story. "Our community and future have been on hold, held hostage by a company that has been playing a full court press offense against us from the beginning," said Elizabeth Arbuckle, Chairwoman of the Bad River Band. "Our only option has been to play defense against one of the most well-funded, expertly staffed and unrelenting corporations in existence, a company which ultimately refuses to recognize our right to exercise sovereign control over the only remaining homeland we have."

The conflict resulting from Enbridge's presence on the Reservation, explained Chairwoman Arbuckle, has "led to the slow, painful tearing apart of the fabric of a community The three years of additional trespass that the Court has already allowed for Enbridge have been three long years for our community."

Enbridge also told the district court that a shutdown is not necessary because the Band permitted new safety measures on the Reservation that will reduce the likelihood of catastrophic pipeline rupture while the reroute is developed. In a separate declaration to the court, Mashkiiziibii Natural Resources Department Director Naomi Tillison documented the duress under which the Band made the decisions to permit those measures and the burdens those construction projects entailed. "To protect the Bad River

from Enbridge's Line 5 occupation and trespass, and imminent failure, the Band allowed Enbridge to move forward with a Log Jack Project to stop the river's natural erosion and flow." "These activities resulted in pollution to numerous Reservation waters, impacts to wildlife (including protected species such as bald eagles, trumpeter swans, and wood turtles), expansion of invasive species, loss of habitat, and other environmental consequences."

Enbridge also claims that severe oil and propane market disruptions will result from a Line 5 shutdown, partly because Enbridge, itself, has made no plans to reroute the oil carried by Line 5 through its existing pipelines with spare capacity. Instead, Enbridge insists that the only alternative to Line 5 on the Reservation is the pipeline reroute around the edges of the Reservation but still within the Bad River watershed. Although Enbridge has not yet begun construction on that reroute, it blames the Band's opposition to the state permitting process for the delay. The district court previously rejected that line of argument, holding that the Band's opposition to the reroute is protected by the First Amendment and is based on legitimate concerns for the environment. "Our duly elected representatives, myself included, believe that such opposition is our responsibility to our homeland, our people, our ancestors, and the next seven generations," explained Chairwoman Arbuckle. "Our opposition is grounded in our well-informed and serious concerns about Enbridge's plan, including concerns of destruction to our aquifer borne out by the numerous drilling frac-outs that drained the aquifers and polluted the waters during Enbridge's reroute of Line 3 in Minnesota, which caused great injury to our sister tribes there."

The reroute would cut through more than 180 waterways and impact over 100 acres of wetlands that feed into Lake Superior. For the Bad River Band, the fight is about protecting their treaty rights and a way of life that depends on the water quality of the entire watershed.

Full files of the declarations, including images, which show the heavy machinery and habitat destruction, can be found at: <https://www.nwf.org/Great-Lakes/More-Resources>