



# City of Madison

City of Madison  
Madison, WI 53703  
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## Master

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**Reference:**

**Controlling Body:** Council Office

**File Created Date :** 07/12/2021

**File Name:** 2nd Substitute Supporting Clean Water and Treaty Rights

**Final Action:**

**Title:** 2nd SUBSTITUTE - Supporting Clean Water and Treaty Rights

### Notes:

**Sponsors:** Brian Benford, Arvina Martin, Juliana R. Bennett, Tag Evers, Grant Foster, Syed Abbas, Keith Furman, Lindsay Lemmer, Michael E. Verveer, Nikki Conklin, Patrick W. Heck, Yannette Figueroa Cole, Jael Currie and Nasra Wehelie

**Effective Date:**

**Attachments:** 66407 v-1.pdf, 66407 v-2.pdf, 7-19-21 Written Public Comment #66407.pdf

**Enactment Number:**

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**Hearing Date:**

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### History of Legislative File

| Ver-<br>sion: | Acting Body:        | Date:  | Action:  | Sent To: | Due Date: | Return<br>Date: | Result: |
|---------------|---------------------|--|--|----------|-----------|-----------------|---------|
| 1             | Council Office      | 07/12/2021   | RECOMMEND TO COUNCIL TO ADOPT UNDER SUSPENSION OF RULES 2.04, 2.05, 2.24, & 2.25 - MISC. ITEMS |          |           |                 |         |
|               | <b>Action Text:</b> | This Resolution was RECOMMEND TO COUNCIL TO ADOPT UNDER SUSPENSION OF RULES 2.04, 2.05, 2.24, & 2.25 - MISC. ITEMS |  |          |           |                 |         |
|               | <b>Notes:</b>       |  |  |          |           |                 |         |
| 1             | COMMON COUNCIL      | 07/20/2021   |  |          |           |                 |         |

### Text of Legislative File 66407

#### Fiscal Note

No appropriation is required.

#### Title

2nd SUBSTITUTE - Supporting Clean Water and Treaty Rights

**Body**

WHEREAS, the Great Lakes comprise largest freshwater system in the world containing over 20% of Earth's fresh water and being the primary water source for more than 40 million people; and,

WHEREAS, Lake Superior is the largest freshwater lake by surface area on Earth containing 10% of the Earth's fresh water; and,

WHEREAS, The Kakagon and Bad River Sloughs on the shore of Lake Superior in the Bad River Reservation were designated Wetlands of International Importance by RAMSAR in 2012 as they contain the only remaining extensive wild rice bed in the Great Lakes region; and,

WHEREAS, the headwaters of the Mississippi River, the second longest river in North America, are located at Lake Itasca in northern Minnesota; and,

WHEREAS, a great diversity of Indigenous peoples have lived in the Great Lakes region for thousands of years, ~~leaving behind~~ creating many sites of historical and cultural significance to contemporary ~~tribal~~ Tribal communities; and,

WHEREAS, Ojibwe ~~communities'~~ Tribes' rights to hunt, fish, gather and practice traditional lifeways off reservation throughout northern Minnesota, northern Wisconsin and northern Michigan's have been codified by more than a dozen treaties with the US Government during the 1800's, particularly in 1837, 1842, 1854 and 1855, and have been upheld in several federal courts since then; and,

WHEREAS, these treaty rights, along with many historic cultural sites and the waters in the Upper Mississippi watershed and the western Great Lakes, are threatened by the construction of Line 3, ~~a new~~ an expanded, rerouted, tar sands pipeline passing through northern Minnesota, and portions of Line 5, a new-reroute of an old, corroding crude oil pipeline that should have been commissioned over a decade ago passing through northern Wisconsin and Michigan's Upper Peninsula crossing under the Straits of Mackinac by Enbridge Energy, a Canadian multinational corporation; and,

WHEREAS, in Minnesota, Line 3 passes under more than 200 bodies of water and has 22 river crossings, including the Mississippi River; and,

WHEREAS, the proposed reroute of Line 5 in Wisconsin passes under dozens of wetlands and crosses White River, Brunswiler River, Trout Brook, Silver Creek, Bad River, Tyler Forks, Potato River, and Vaughn Creek, all of which drain into the Kakagon and Bad River Sloughs; and,

WHEREAS, Enbridge has a history of catastrophic oil spills in the upper midwest, including in in 1991 in Minnesota when 1.7 million gallons of oil spilled near the Prairie River, and in 2010 in Michigan when 1.1 million gallons of tar sands oil spilled into the Kalamazoo River; and,

WHEREAS, from 2002 to 2018, Enbridge and its joint ventures and subsidiaries reported 307 hazardous liquids incidents to federal regulators - one incident every 20 days on average - which released a total of 2.8 million gallons of hazardous liquids; and,

WHEREAS, Lines 3 and 5 would disproportionately impact ~~tribal~~ Tribal people, threaten resources critical to the survival of tribal communities, and exacerbate the already profound disparities in

health access and outcomes that tribal communities face as a result of structural racism; and,

WHEREAS, the continued extraction of tar sands oil and expansion of fossil fuel infrastructure is contradictory to the goals of the Paris Agreement, a legally binding international treaty on climate change; and,

WHEREAS, at least 17 ~~tribal~~ tribal governments and ~~inter-tribal~~ inter-tribal organizations have passed resolutions opposing potential new Line 5 construction and demanding the ~~removal~~ decommissioning of the pipeline from under the Straits of Mackinac; and,

WHEREAS, in July 2019 the Bad River Band of Lake Superior Chippewa sued Enbridge to shut down the over sixty year-old Line 5 pipeline running through their ~~reservation~~ reservation, two years after the expiration of Enbridge's easement; and,

WHEREAS, three times during the permitting process, most recently in August 2020, citing environmental risks and other factors, the Minnesota Department of Commerce concluded that the Line 3 expansion is not in Minnesota's interest, and that the existing pipeline should cease operations; and,

WHEREAS, in November, 2020 following a state review that found that Line 5 is putting the Great Lakes at risk, Michigan Governor Gretchen Whitmer ordered Enbridge Energy to shut it down; and,

WHEREAS, in June, 2021 the Biden Administration ordered a complete Environmental Impact Statement be completed for the portion of Line 5 that passes under the Straits of Mackinac; and,

WHEREAS, on July 2, 2021, the Minneapolis City Council unanimously passed a resolution "Opposing the Enbridge Energy Line 3 Tar Sands Oil Pipeline"; and,

WHEREAS, the City of Madison is located on the traditional homelands of the Ho-Chunk people and their ancestors; and,

WHEREAS, the City of Madison is home to a thriving ~~American Indian Native~~ American Indian Native community, including members of all 11 federally recognized Wisconsin Tribes as well as ~~tribes~~ Tribal Nations from across the continent; and,

WHEREAS, the City of Madison recognizes the importance of maintaining government to government relationships between ~~tribal~~ tribal governments and local, state and federal governments established by treaties between ~~tribes~~ tribes and the US Government and has recognized Indigenous Peoples Day since 2005; and,

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

WHEREAS, in 2013, the City of Madison divested of fossil fuels (RES-13-00531); and,

WHEREAS, in 2019, the City of Madison affirmed support of the County Climate Coalition, the Paris Climate Accord, environmental sustainability and the City's leadership in environmental sustainability and combating climate change (RES-19-00734); and,

WHEREAS, the City of Madison's Climate Forward agenda includes plans to transition all city-owned infrastructure and fleet vehicles to 100% renewable energy and net-zero carbon emissions by 2030; and,

WHEREAS, as a community defined by our lakes, the City of Madison understands the vital importance of protecting our natural resources, in particular the water;

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Common Council of the City of Madison support the rights of Ojibwe Tribes to hunt, fish and gather established by treaties, including their actions to protect the land and waters of the Upper Mississippi and Great Lakes watersheds on which those rights are practiced, by opposing the construction of Enbridge Lines 3 and 5.

BE IT FURTHER RESOLVED that the Mayor and Common Council of the City of Madison call on all residents of Madison to raise awareness about this important struggle for Indigenous sovereignty and environmental justice by learning from Indigenous leaders, Native organizations and other organizations such as stopline3.org, narf.org, oilandwaterdontmix.org and to support the water protection efforts in any way they can.

BE IT FURTHER RESOLVED that the Mayor and Common Council of the City of Madison call upon the Wisconsin DNR to reject Enbridge's permit application for the construction of Line 5 across so many sensitive environmental and cultural areas in Northern Wisconsin.

BE IT FURTHER RESOLVED that the Mayor and Common Council of the City of Madison call upon every elected leader at the local, state and federal level with the authority to stop the construction of Lines 3 and 5 to do so immediately.

BE IT FINALLY RESOLVED that the Mayor and Common Council of the City of Madison hereby ~~order~~ recommends that the Madison Chief of Police ~~to~~ reject any request for mutual aid by another law enforcement agency for the purpose of protecting Enbridge property along Lines 3 or 5 or for suppressing resistance to Enbridge's activities along Lines 3 or 5.

#### Sources

<https://rsis.ramsar.org/ris/2001>; <https://treatiesmatter.org/treaties/land/1837-ojibwe-dakota>;  
<https://glifwc.org/TreatyRights/TreatyChippewa10041842Web.pdf>;  
<https://treatiesmatter.org/treaties/land/1854-ojibwe>;  
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