

COMMITTEE OF THE WHOLE MEETING

The Common Council of the City of Ashland will meet as the Committee of the Whole on January 14, 2020 immediately following the City Council meeting which begins at 5:30 PM in the Ashland City Hall Council Chambers.

The following items will be considered:

1. Roll Call
2. Council President's Report
3. Administrator's Report
4. Approval of Agenda
5. Committee Updates
6. Discussion Items
 - A. Discussion and Possible Action Regarding a Proposed Resolution in Support of Bad River Tribe Efforts to Remove Line 5 Pipeline (*Whitebird, Ullman*)
 - B. Discussion Regarding the Vaughn Avenue Reconstruction Update (Public Works)
 - C. Planning and Parks Updates on Water Front Development Plan, Comprehensive Outdoor Recreation Plan, and Rebranding of Superfund Site (*Planning, Parks & Rec*)
7. Adjournment

The City of Ashland does not discriminate on the basis of sex, race, creed, color, national origin, sexual orientation, age or disability in employment or provision of services, programs or activities.

NOTE: Upon reasonable notice, the City of Ashland will accommodate the needs of disabled individuals or individuals with limited English proficiency through auxiliary aids or services. For additional information or to request this service, contact Denise Oliphant at 715-682-7071 (not a TDD telephone number) or FAX: 715-682-7048

SUBJECT: Discussion and Possible Action Regarding a Proposed Resolution in Support of Bad River Tribe Efforts to Remove Line 5 Pipeline (*Whitebird, Ullman*)

RECOMMENDATION: Discussion and Possible Action

DEPARTMENT OF ORIGIN: Councilors Whitebird and Ullman

CLEARANCES: Council President

EXHIBITS:

1. Proposed Resolution
2. League of Women Voters Resolution
3. Excerpt from Wisconsin Public Radio, July 23, 2019

FINANCIAL IMPACT: Unknown

SUMMARY STATEMENT:

The City of Ashland is engaged in numerous and varied efforts to preserve, protect and improve water quality in Lake Superior and surrounding tributaries. In July 2019 the Bad River Tribe filed a lawsuit against Enbridge to remove the Line 5 Pipeline from the Bad River Watershed due to concerns about the integrity of the pipeline and the risks associated with a spill. This resolution is a statement of support for their efforts.

A RESOLUTION OF the City of Ashland SUPPORTING the efforts of the Bad River Band of Lake Superior Chippewa in removing Enbridge Line 5 Pipeline from the Bad River Watershed.

WHEREAS, The Bad River Band of Lake Superior Chippewa is a Sovereign Nation, with jurisdiction over their land and legally protected treaty rights for hunting, gathering, and fishing on ceded territory,

AND WHEREAS, the Enbridge pipeline is trespassing on Bad River lands and is at risk of failure, especially on or near the Bad River and its tributaries.

AND WHEREAS, Enbridge pipelines have experienced numerous leaks and spills resulting in the discharge of oil, gas, and other pollutants in the surrounding air, land and water;

AND WHEREAS, a spill in the Bad River Watershed would damage natural and cultural resources critical for both the Bad River Tribe and the City of Ashland;

AND WHEREAS, the Bad River Band has requested the removal of the Enbridge Line 5 pipeline from the Bad River Watershed;

AND WHEREAS, The City of Ashland and the Bad River Band share water resources threatened by an Enbridge Line 5 failure;

AND WHEREAS, The city of Ashland and the Bad River Band of Lake Superior Chippewa have shared and interdependent economies that would bear the costs of a pipeline failure;

NOW, THEREFORE, BE IT RESOLVED that the Ashland city council supports the efforts of the Bad River Band of Lake Superior Chippewa in removing Enbridge line 5 from the Bad River Watershed.

Furthermore,
RESOLVED this _____ day of _____, 2019.

ATTEST:

By: _____,Chairman

By: _____,Secretary

ENBRIDGE LINE 5 PIPELINE RESOLUTION

WHEREAS the League of Women Voters of Ashland and Bayfield Counties (League) supports measures to prevent water pollution, including measures to protect lakes, streams, and wetlands, and protection of current and potential drinking water sources;

AND WHEREAS the League recognizes the Sovereignty of Native Americans, including the Bad River Band of Lake Superior Tribe of Chippewa Indians, and respects treaty rights in regard to water resources, as well as their positions and decisions with respect thereto;

AND WHEREAS the League supports the efforts of Towns and Counties to protect their citizens from the adverse impacts of environmentally destructive activities;

AND WHEREAS the League understands the need for and supports a timely and rapid transition to renewable energy;

AND WHEREAS the League supports the preservation of the physical, chemical, and biological integrity of the ecosystem and maximum protection of public health and the environment, and further supports the stewardship of land as a finite resource, particularly fragile lands and waters, such as the Bad River Watershed, Lake Superior, and the Straits of Mackinac, where leaks and spills from oil pipelines could result in irreversible damage;

AND WHEREAS Enbridge Energy has proposed the continuance, replacement, and/or relocation of a pipeline to carry oil through northern Wisconsin and Upper Michigan;

AND WHEREAS Wisconsin as a whole derives minimal benefit and has no utilization of product of Enbridge Line 5, but assumes great risks associated therewith;

AND WHEREAS the League acknowledges the Bad River watershed's unique, remote, and challenging terrain that, when combined with the increasing frequency of extreme weather events, has proven hazardous to pipeline integrity;

AND WHEREAS Enbridge pipelines have, in the past, and continue to, experience numerous leaks and spills, which have resulted in the discharge of massive quantities of oil and other pollutants;

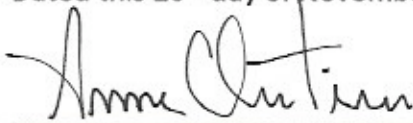
AND WHEREAS Enbridge is not required to publicly disclose what hazardous materials are transported by Line 5, contrary to the public's right to know, leaving the public inadequately informed about health and environmental risks;

AND WHEREAS the League fears that Enbridge may have inadequate emergency response plans and we fear Enbridge may provide insufficient funds for any future spill response and clean-up, should they become necessary, and any spill would therefore be environmentally, culturally and economically catastrophic;

AND WHEREAS the League is a member of the League of Women Voters Lake Michigan Region, and Enbridge Line 5 proceeds to route through the Straits of Mackinac where it puts both Lakes Huron and Michigan at risk;

NOW, THEREFORE, the League of Women Voters of Ashland and Bayfield Counties, Wisconsin, passes this resolution to express their OPPOSITION to Enbridge Line 5 and their SUPPORT for the efforts of the Bad River Band of Lake Superior Tribe of Chippewa Indians and others, including private landowners along the (current and proposed) Enbridge Line 5 corridor, to halt any expansion or relocation of the line and rather to see it removed from the Bad River watershed and decommissioned entirely.

Dated this 26th day of November, 2019.

A handwritten signature in black ink, appearing to read "Anne Chartier", written over a horizontal line.

Anne Chartier, President

League of Women Voters of Ashland and Bayfield Counties



**WISCONSIN
PUBLIC RADIO**

Wisconsin and the World. **npr**

Published on *Wisconsin Public Radio* (<https://www.wpr.org>)

[Home](#) > Bad River Tribe Files Federal Lawsuit Against Enbridge



Bad River Tribe Files Federal Lawsuit Against Enbridge

Northern Wisconsin Tribe Wants Energy Firm To Remove Line 5 From Reservation Lands

By Danielle Kaeding

Updated:

Tuesday, July 23, 2019, 3:58pm

The Bad River Band of Lake Superior Chippewa filed a federal lawsuit [1] against energy firm Enbridge on Tuesday. The northern Wisconsin tribe wants the Canadian company to shut down its more than six decade-old Line 5 pipelines running through the tribe's reservation.

Line 5 carries up to 540,000 barrels of natural gas liquids and crude oil per day from Superior to Sarnia, Ontario, Canada. The dual pipelines cross through roughly 12 miles of the Bad River tribe's reservation.

Bad River Tribal Chairman Mike Wiggins Jr. said the tribe asked Enbridge to shut down Line 5 during the spring thaw over concerns it might rupture.

"The river is scouring the bank away and is only about 20-some feet away from the pipe," said Wiggins. "Enbridge rejected the notion of shutting the oil flow down to protect our river and Lake Superior."

Bad River Tribal Council member Dylan Jennings said the Bad River is moving towards the pipeline [2] at an alarming rate due to erosion, threatening to expose it.

According to the complaint, Line 5 was 320 feet from the north bank of a meander in the river in 1963, but now, the riverbank is only 28 feet from the line.

"We want the pumping of oil through our reservation boundaries and through our watershed to cease immediately," said Jennings. "We're not convinced that Enbridge has the best interest of our community in mind when operating Line 5. We need to do and take action to protect our people, our assets and our resources."

The Bad River Band passed a resolution in January 2017, deciding that the tribe wouldn't renew easements on some tracts of land for Enbridge's Line 5. Since then, the tribe and Enbridge have been engaged in multiple years of mediation over the easements and operation of Line 5. Those easements expired in 2013.

Enbridge spokeswoman Juli Kellner said in an email on Tuesday that the company needs time to review the lawsuit.

"Enbridge has been in good-faith negotiations with the Bad River Band of Lake Superior Chippewa Tribe regarding these easements since 2013," wrote Kellner. "The vast majority of Enbridge's right of way through the Bad River Reservation

is covered by either perpetual easements on private land or a 50-year agreement between Enbridge and the Band, which does not expire until 2043."

However, Wiggins said any of the agreements don't account for the severity of the storm events the area is seeing. In July 2016, the Bad River spilled over its banks, displaced people from their homes and disrupted east to west travel on a major northern Wisconsin thoroughfare.

"They don't account for and calculate in the changing dynamics in terms of bank erosion and the changing geophysics that are waterways are experiencing because of all the storms," said Wiggins. "What that ends up doing is it puts us in a perpetual chase for the next weak spot, a perpetual hunt for the next possible rupture."

Wiggins said Line 5 threatens the tribe's treaty rights to hunt, fish and gather.

"It's time for us to take back our sovereignty (and) to stand up and protect our waters," he said.

The Bad River and Kakagon sloughs have been recognized as wetlands of international importance that are home to wild rice beds and breeding ground for lake sturgeon and endangered shorebirds.

"The Bad River flows directly into Lake Superior, and we're dealing with a world-class designated water estuary that basically fosters everything we need to live a healthy lifestyle," said Jennings.

The riverbank has been eroding by an average of 13 feet per year since 2015, according to the complaint. The rate of erosion means Line 5 could be potentially exposed within two to five years. The complaint states the federal Pipeline and Hazardous Materials Safety Administration (PHMSA) warned Congress in 2013 about the dangers of pipelines exposed by rivers, noting they risk rupturing from additional stress that could stem from currents and debris.

"I think what people should understand is the constant fear and anxiety that our community has had to endure due to constant and unknown threats that the line poses," said Jennings. "It's a burden that we're not willing or prepared to keep any longer."

Wiggins said Enbridge viewed one potential remedy to the tribe's concerns would be to alter the river by reinforcing the banks. But, Wiggins said that option may pose unintended consequences in the event of flooding on the river.

The company has said in the past that Line 5 has been operating safely through the reservation since 1953.

Enbridge is also facing opposition in Michigan where the administration has also pursued legal action to shut down the energy firm's 66-year-old Line 5.

Source URL: <https://www.wpr.org/bad-river-tribe-files-federal-lawsuit-against-enbridge>

Links

[1] https://www.wpr.org/sites/default/files/7-23-19_lawsuit.pdf

[2] <https://www.wpr.org/bad-river-band-fears-enbridges-line-5-risk-exposure-reservation-lands>

SUBJECT: Discussion Regarding the Vaughn Avenue Reconstruction Update (Public Works)

RECOMMENDATION: N/A

DEPARTMENT OF ORIGIN: N/A

CLEARANCES: City Administrator

EXHIBITS:

FINANCIAL IMPACT: N/A- Included in 2020 Capital Budget

SUMMARY STATEMENT:

The City's process for the planning, design, and administration of the Vaughn Avenue Reconstruction Project will be moving forward in the coming months, starting with special assessments for sidewalks.

The Public Works Department has scheduled a public meeting regarding the project for January 29, 2020 at 6:00 pm in the Council Chambers.

Public Works staff would like to take this opportunity to share information with the Council regarding the status of the design, potential collaboration with the City's ongoing lead service lateral program, on-street parking, the schedule for remaining work, and other issues.

Desired outcomes of the discussion are: (1) provide Councilors with a basic understanding of the project for reference on future agenda items, and (2) provide Public Works staff with Council input on issues related to the design and public outreach.

Public Works staff will provide exhibits for display and facilitate discussion at the time of the meeting.

SUBJECT: Planning and Parks Updates on Water Front Development Plan, Comprehensive Outdoor Recreation Plan, and Rebranding of Superfund Site (*Planning, Parks & Rec*)

RECOMMENDATION: Discussion only

DEPARTMENT OF ORIGIN: Planning & Development
Parks & Recreation

CLEARANCES: Council President

EXHIBITS: 1. Final WFD and CORP Public Info Session Flyer

FINANCIAL IMPACT:

SUMMARY STATEMENT:

The Parks and Recreation Department and Planning and Development Department will be partnering to host a public information session on February 20, 2020 at Hotel Chequamegon to educate the community on highlights from the updated Waterfront Development Plan and Comprehensive Outdoor Recreation Plan as well as to go over 2019 waterfront projects and planned 2020 projects.

One of the short-term goals identified in both plans is to rename/rebrand the former Superfund Site. Hosting a community logo and/or naming competition was discussed at the Joint Plan Commission/Parks and Recreation meeting held in November, and staff would like input from Council on the possibility of doing this and specific competition guidelines (who should be allowed to participate, what the prize should be for the winner(s), etc.).

Waterfront Development Plan

Ashland, WI

Public Informational Session

Hotel Chequamegon Meeting Room

Thursday, February 20, 2020

5:00- 6:00pm

Topics of Discussion:

- Updates on the Waterfront Development Plan
- Updates on Comprehensive Outdoor Recreation Plan
- Updates on 2019 waterfront projects
- Overview of projects planned for 2020



This project is funded by
Wisconsin Coastal Management

