

Exhibit G

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

RED LAKE BAND OF CHIPPEWA INDIANS,
WHITE EARTH BAND OF OJIBWE, HONOR
THE EARTH, and SIERRA CLUB,

Plaintiffs,

v.

UNITED STATES ARMY CORPS OF
ENGINEERS,

Defendant.

Case No. 1:20-cv-3817

**DECLARATION OF JAIME ARSENAULT
IN SUPPORT OF PLAINTIFFS' MOTION FOR PRELIMINARY INJUNCTION**

I, Jaime Arsenault, declare and state as follows:

1. I am the Tribal Historic Preservation Officer (“THPO”) for the White Earth Band of Ojibwe (“White Earth Band” or “Band”). In this role, I am the official Tribal representative for historic and cultural resource preservation. I am also the official Tribal representative under multiple federal laws, including the National Historic Preservation Act, American Indian Religious Freedom Act, Archaeological Resource Protection Act, and National Environmental Policy Act (“NEPA”). Among other things, I maintain review authority over federal undertakings under NEPA both on and off Tribal land.

2. For over two decades, I have worked with indigenous communities across the country on issues involving grave protection and repatriation, food sovereignty, community health, and protection of community knowledge. In addition to my position with the White Earth Band, I currently sit on several committees and advisory boards including the Smithsonian

National Museum of Natural History's Repatriation Review Committee. Through this public service, I continue to assist with the respectful return of Ancestors/human remains and other cultural resources, while always striving to protect Indigenous cultural knowledge.

3. Northern Minnesota is very much my home. Like many others, this is the place where I rice, fish, gather medicines, and attend ceremonies.

4. White Earth Band members depend on the natural resources of the White Earth Reservation and surrounding areas. They participate in a variety of culturally significant subsistence activities, including harvesting wild rice and maple syrup, fishing, and gathering edible and medicinal plants. Harvesting wild rice is particularly significant. Wild rice is central to the migration story of the Ojibwe people. This food remains an essential feature of ceremonies practiced throughout Minnesota, and it is considered a sacred food. In addition, wild rice is important to the White Earth Band's food security, economic stability, quality of life, and overall health.

5. I am aware that the U.S. Army Corps of Engineers ("Corps") has issued permits allowing Enbridge Energy, Limited Partnership ("Enbridge") to construct a pipeline that will transport crude oil from the tar sands region in Alberta, Canada through northern Minnesota to Wisconsin. This pipeline will pass within three miles of the White Earth Reservation's boundaries, and it will cross or otherwise affect lands and waters that Band members use and rely upon for hunting, gathering, fishing, and harvesting wild rice, along with other cultural purposes. Many of these lands and waters are within the White Earth Band's historical territory, and the Band's ability to use these lands and waters is protected under various treaties. The White Earth Band opposes this pipeline, and Band members are concerned that the Corps failed to comply with federal law in issuing the necessary permits.

6. I am very concerned that an oil leak or spill from the pipeline will permanently interfere with the White Earth Band's ability to engage in culturally significant subsistence activities on and off the White Earth Reservation. I know that pipeline leaks occur, and Enbridge's pipelines have leaked and spilled in the past with lasting impacts. Wild rice is a very sensitive plant, and slight changes in water quality or sulfate levels could have disastrous effects. Given Enbridge's track record, I am worried that leaks or spills from the pipeline will damage the White Earth Band's ability to harvest this sacred food and access clean water.

7. In addition, I understand that the Corps has authorized Enbridge to destroy 10 acres of wetlands and permanently alter 230 additional acres. This imminent destruction and permanent alteration will damage habitat and interfere with the White Earth Band's culturally important subsistence activities.

8. Construction and operation of the pipeline has already threatened one important cultural site, and I fear that it will threaten others. On December 5, 2020, an Enbridge construction crew discovered a ceremonial lodge in Palisade, Minnesota, on the banks of the Mississippi River. Enbridge failed to notify me about the discovery; instead, I found out about it through social media. Enbridge also failed to send a cultural resource monitor to the site to ensure that it was protected. Leaving a cultural site unprotected risks damage to the site.

9. I visited the site and determined that this lodge is a ceremonial lodge and modeled after other lodges found throughout Minnesota. While these lodges are reconstructed every few years per cultural protocol, the practice of reconstructing lodges is historic. Ceremonial and healing activities take place within such structures, and unmarked burials are often located nearby.

10. During my visit, I saw that the Enbridge crew had placed a stake right in the center of the lodge. This is disrespectful, and it suggests that the crew planned to destroy the lodge without adequate consultation or review.

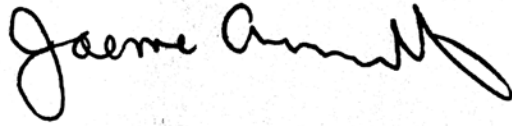
11. It is my assessment that the lodge is a culturally significant area where traditional cultural practices are still occurring. Thus, I have recommended that Enbridge leave the lodge intact, stop clearing trees near it, and conduct an archaeological review of the area using non-destructive review methods. But, despite my assessment and recommendation, it is my understanding that construction near the lodge is ongoing.

12. Destruction of this cultural site is damaging and disrespectful to the White Earth Band and other Native communities here in Minnesota. Any potential destruction of nearby burial areas would cause further irreparable harm.

13. The lodge is located in an area known as Sandy Lake, which is one of the most significant cultural crossroads of the Chippewa people, including White Earth Band members. Sandy Lake is rich in cultural and historical sites that require protection. If construction continues in this area, additional sites will likely be destroyed.

14. If this Court were to enjoin pipeline construction, White Earth Band members could continue to engage in culturally significant subsistence activities without interference. In addition, I would feel more confident that culturally important sites will not be destroyed in reliance on a legally infirm permit.

I declare under penalty of perjury that, to the best of my knowledge, the foregoing is true and correct. Executed this 24th day of December 2020.

A handwritten signature in black ink, appearing to read "Jaime Arsenault". The signature is written in a cursive style with a large initial "J" and a long, sweeping tail.

Jaime Arsenault