



October 8, 2018

Mr. Timothy J. Sloan
Wells Fargo
420 Montgomery Street
San Francisco, CA 94104

Dear Mr. Sloan:

Wells Fargo is slated to renew its role in a US \$1.48 billion line of credit to Enbridge US Inc. on October 16, 2018. Enbridge Energy Partners LP also has a \$625 million line of credit that is set to expire on December 31, 2018. We urge you to decline renewal of both credit facilities.

Calgary-based energy giant Enbridge is pushing a new 1,000-mile Line 3 pipeline to carry tar sands oil from Alberta to Wisconsin through Minnesota, which it is billing as a replacement line. Line 3 is the largest investment this company has made to date.¹ Enbridge is not seeking project-specific financing for the pipeline and is instead funding the project from its general funds. Therefore any credit provided to Enbridge will facilitate the construction of the Line 3 tar sands pipeline and provide crucial liquidity to the company.²

The new Line 3 pipeline directly threatens the cultural survival of the Ojibwe tribes in its path. The route would pierce the heart of the 1855 Treaty territory, where the members of Ojibwe bands retain the rights to hunt, fish, harvest wild rice, conduct religious ceremonies,³ and travel. Wild rice lies at the core of Ojibwe identity and culture -- because of its critical nature, wild rice harvesting is explicitly defined as a right in the treaties of several bands of Ojibwe with the U.S. government. Line 3 could send up to nearly one million barrels of tar sands per day through dozens of the richest wild rice beds in the world on its way through the Mississippi River headwaters to the Great Lakes. The inherent risks of the Line 3 pipeline project are in direct conflict with the treaty rights of the Ojibwe peoples. Harm to the wild rice beds of the Ojibwe people threatens irrevocable and devastating cultural impacts.

As sovereign nations, and under the United Nations Declaration on the Rights of Indigenous People, Ojibwe nations have the **right to reject any activity that impacts their territory**

¹ ["Line 3 Replacement Program,"](#) Enbridge, accessed October 2018.

² Clark Williams-Derry, ["How Enbridge's Bankers Fund a Tar Sands Pipeline,"](#) Sightline Institute, September 2018.

³ ["Treaty Rights and Oil Pipelines: What You Need to Know,"](#) Honor the Earth, accessed October 2018.

which has not been subject to their Free, Prior and Informed Consent. This right is also recognized in your bank's policies. The Mille Lacs, Red Lake and White Earth Nations have not given their Free, Prior and Informed Consent for the Line 3 pipeline, as demonstrated by their legal petition⁴ challenging the adequacy of the Public Utility Commission's approval of the Environmental Impact Statement. By continuing to provide credit to Enbridge, **Wells Fargo is financing a client that is directly violating Indigenous rights – and your own policy on Indigenous Peoples.**

Wells Fargo's "Indigenous Peoples Statement" recognizes the unique cultural and legal characteristics of Indigenous Peoples and states that:

"For projects where we can identify that the use of proceeds may potentially impact Indigenous Peoples, we expect our customers to demonstrate alignment with the objectives and requirements of International Finance Corporation Performance Standard 7 on Indigenous Peoples, including with respect to circumstances requiring Free, Prior and Informed Consent. These objectives include:

- To ensure that the development process fosters full respect for the human rights, dignity, aspirations, culture, and natural resource-based livelihoods of Indigenous Peoples;
- To anticipate and avoid adverse impacts of projects on communities of Indigenous Peoples, or when avoidance is not possible, to minimize and/or compensate for such impacts;
- To promote sustainable development benefits and opportunities for Indigenous Peoples in a culturally appropriate manner;
- To establish and maintain an ongoing relationship based on informed consultation and participation with the Indigenous Peoples affected by a project throughout the project's life-cycle;
- To ensure the Free, Prior, and Informed Consent of the Affected Communities of Indigenous Peoples when the circumstances described in Performance Standard 7 are present;
- To respect and preserve the culture, knowledge, and practices of Indigenous Peoples.⁵

International Finance Corporation Performance Standard 7 states that bank clients "will obtain the Free, Prior and Informed Consent of the Affected Communities of Indigenous Peoples" in circumstances where "the client proposes to locate a project on, or commercially develop natural resources on lands traditionally owned by, or under the customary use of, Indigenous Peoples, and adverse impacts can be expected."⁶

⁴ "[PETITION FOR WRIT OF CERTIORARI](#)," Fond du Lac Band of Lake Superior Chippewa, Mille Lacs Band of Ojibwe, Red Lake Band of Chippewa Indians, and White Earth Band of Ojibwe, 8 August 2018.

⁵ "[Indigenous Peoples Statement](#)," Wells Fargo, accessed 5 October 2018.

⁶ "[Performance Standard 7: Indigenous Peoples](#)," International Finance Corporation, 1 January 2012.

These circumstances for triggering the application of Free, Prior and Informed Consent, clearly apply for Line 3, and your bank's own statement clearly requires Free, Prior and Informed Consent to be applied for this project - yet Wells Fargo continues, multiple times per year, to reaffirm its corporate-level financial support for Enbridge.

As you are no doubt aware, Indigenous people and allied organizations in Canada and the United States have stalled all three major tar sands pipelines proposed in recent years through building mass popular opposition, direct actions and legal challenges based on the Indigenous right to consultation (a weaker standard than consent, yet still strong enough to stall these projects). Strong local opposition will mean lengthy legal and direct action battles, as well as mass protests against Line 3.

In early August, tribes and environmental groups filed three separate lawsuits⁷ against the Minnesota Public Utility Commission, challenging the Environmental Impact Statement prepared for Line 3. All three lawsuits ask the state Court of Appeals to overturn the Public Utility Commission's May 2018 decision that found the Environmental Impact Statement "adequate." A reversal of that decision would undermine the Public Utility Commission's approval of the project in late June, which was informed by the Environmental Impact Statement.

Line 3 not only disregards Indigenous rights, it also facilitates the long-term growth of extraction of tar sands oil despite the onset of climate change. It is unconscionable to promote the growth of this highly carbon-intensive and environmentally destructive fuel at a time when meeting the goals of the Paris Agreement requires a halt to all fossil fuel expansion followed by a rapid phase-out and a just transition to a clean and efficient energy sector.

Your bank has an important opportunity to show that you are serious about complying with your own policy on Indigenous rights, and your stated commitment to addressing climate change, by stepping away from renewing the over \$2.1 billion in credit for Enbridge set to expire by the end of the year. We call upon Wells Fargo to decline to participate in the Enbridge credit renewal, and instead to commit publicly to complying with your Indigenous policy and the right to Free, Prior and Informed Consent in all your corporate lending practices.

Sincerely,

Honor the Earth, Tara Houska (Couchiching First Nation)

Indigenous Environmental Network, Dallas Goldtooth (Mdewakanton Dakota and Dine)

Mazaska Talks & Last Real Indians, Matt Remle (Hunkpapa Lakota)

Native Organizers Alliance, Judith Leblanc (Caddo Nation)

⁷ ["Three Lawsuits Filed to Challenge Line 3 Environmental Impact Statement,"](#) Stop Line 3, 8 August 2018.

Treaty Alliance Against Tar Sands Expansion, Kevin Hart, Manitoba Regional Chief of the Assembly of First Nations

MN350, Kevin Whelan

Power Shift Network, Lydia Avila

80 Feet Is Enough!, Keith Merkel

Wisconsin Safe Energy Alliance, Elizabeth Ward

Bronx Climate Justice North, Jennifer Scarlott

Climate Change Awareness and Action, Yvonne Chu

Climate First!, Ted Conwell

Climate Justice Committee of CNY Solidarity Coalition & Shaleshock CNY, Katherine Burns

CSIA-Nitassinan, Edith Patrouilleau

Food and Water Watch, Andrea Chu

Fossil Free California, Deborah Silvey

Foundation "Development YES - Open-Pit Mines NO" & Fundacja "Rozwój TAK - Odkrywki NIE", Kuba Gogolewski

Friends of the Earth France, Lorette Philippot

Greenpeace USA, Diana Best

Harford County Climate Action, Pamela Dehmer

Liberty Tree Foundation for the Democratic Revolution, Ben Manski

Oil Change International, Hannah McKinnon

Olympic Climate Action, Ed Chadd

Rainforest Action Network, Patrick McCully

Save Our Illinois Land, Deni Mathews

Seeding Sovereignty, Janet MacGillivray, Esq.

Sierra Club, Kelly Martin

West Coast Environmental Law Association, Eugene Kung

Women's Earth and Climate Action Network (WECAN), Osprey Orielle Lake

[350.org](https://www.350.org), Brett Fleishman

350 Seattle, Alec Connon

350PDX, Anaïs Tuepker and Sandy Polishuk

350 Colorado, Micah Parkin

350 Atlanta, Tom Thrasher

350 Austin, Gil Starkey

350 Bay Area, Laura Neish

350 Brooklyn, Sara Gronim

350 Conejo/San Fernando Valley, Alan Weiner

350 Corvallis, Trish Weber

350 DC, Collin Rees

350 Eastside, Lin Hagerdorn

350 Eugene, Sandra Clark

350 Indiana, Silvia Leahu-Aluas and Robin Mohr

350Kishwaukee, Dave Davis

350 Marin, Patrick Costello

350 Montgomery County, Jeffrey Weisner

350 New Hampshire, Lila Kohrman-Glaser

350 Oregon Central Coast, Bill Kucha

350 Silicon Valley, Stew Plock

350 South Florida, Salome Garcia

350 Southwest Idaho, Annie Ford

350 Spokane, Rebecca K. MacMullan

350 Tacoma, Dan Villa

350 Vermont, Maeve McBride

350 Washington County, Debby Garman

350 Wenatchee, Jeanne Poirer

Climate Action RI 350, Kendra Anderson

Chico 350, Mark Kay Benson

Elgin Green Groups 350.org, Sandy Kaptain