

# **Exhibit I**

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 JAMI GAITHER IN SUPPORT OF PLAINTIFFS' MOTION FOR  
PRELIMINARY INJUNCTION**

I, Jami Gaither, declare and state as follows:

1. I am 51 years old, and I live with my husband, Dan, in Alida, Minnesota.
2. My husband and I both have been members of Sierra Club for about 15 years; for most of those years, we have been Sierra Club Life Members, meaning that our membership will never expire. We joined because we believe that someone has to stand up for the environment, and Sierra Club fights the environmental battles that are important to us.
3. In January 2007, we purchased the land where we live today: a mostly forested 20-acre parcel with wetlands in the northwest corner. Our property transitions from tamarack peat bog to young quaking aspen forest interspersed with some beautiful big oak trees and white pines. We also have a variety of wildlife, including deer, fox, bear, bobcat, coyote, mountain lion, wolf, and smaller friends such as chipmunks, red squirrels, salamanders, skunks, eagles, crows, jays, sandhill cranes, trumpeter swans, hummingbirds, and a variety of songbirds.

4. We purchased this property because we wanted to get out of the rat race and start living lightly and sustainably. We built our house almost entirely by ourselves. Rather than a furnace and air conditioning, we rely on a Rocket Mass Heater in the colder months and an insulated concrete slab that help us feel cool all summer long. We even designed our own water catchment system.

5. We chose this land for its peace and quiet, and we love that living here brings us closer to nature. We spend as much time in nature and on our porch as possible. We listen to the sandhill cranes nesting on the neighboring parcel, just outside our kitchen window, and feed chickadees and nuthatches from our hands. We have built gardens in every sunny spot, where rhubarb, raspberries, honeyberries, and asparagus thrive, along with squash and beans and tomatoes as seasons unfold. My husband hunts some years, and I gather wild blueberries, gooseberries, choke cherries, raspberries, and rosehips each year. I forage for apples of all kinds, and I can a variety of foods to eat with my husband and share with friends. I derive great aesthetic and spiritual fulfillment from watching wildlife and spending time in nature, both on our property and nearby.

6. 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. Based on our review of the applicant’s map in permitting documents submitted to the Minnesota Pollution Control Agency (“MPCA”), we understand that the pipeline centerline will lie 315 feet (0.06 miles) from our property line and less than 500 feet (0.095 miles) from our house. Essentially, the pipeline will be right outside our kitchen window, near the spot where sandhill cranes nest.

7. I know that Sierra Club is challenging the Corps' decision to approve the pipeline, and I support that action. I am very concerned that the pipeline will jeopardize my ability to live sustainably and enjoy nature. In addition, I am concerned that the Corps' approval might be legally flawed. I care deeply about the rights of my fellow Anishinaabeg, and I worry that the Corps and other agencies, including the MPCA, did not include proper consideration of Treaty Law in their decision-making.

8. Based on my research, I know that many pipelines leak, and tar sands oil is especially harmful to the environment. If the pipeline were to leak near my home, it would almost certainly destroy the natural settings that I love. It would threaten my husband's and my ability to hunt, grow, and gather food safely. And it could put our health at risk.

9. Even if leaks do not occur, construction and operation of the pipeline will permanently disrupt the peaceful natural setting that attracted me to northern Minnesota. I understand that the Corps has authorized Enbridge to destroy wetlands in Clearwater County, where I live. Destruction of those wetlands will impair my aesthetic and spiritual interests, and it will make it more difficult for me to see and appreciate wildlife.

10. Since construction work related to the pipeline began, I have rescued hundreds of Showy Lady's Slippers left vulnerable by construction crews. I know that many other native plants are left to wither and die, and I worry about the consequences of that destruction on northern Minnesota ecosystems.

11. Our property is located about nine miles from the north entrance to Itasca State Park, where the Mississippi River originates. In fact, the proximity to Itasca State Park is one of the reasons we chose to live here. I know that the pipeline will pass near the Park, and I fear that pipeline construction and operation activities, including tree clearing, will cause damage that

displaces wildlife or degrades water quality in and around the Park. Enbridge already has added a fuel depot near the Park's northern boundary.

12. Workers are removing trees near my home in preparation for the pipeline. My husband and I are woken up nearly every morning by timber trucks. We have heard them pass as early as 5:20 AM, and they run throughout the day. Once, we heard timber trucks pass about every twenty minutes from 6:00 AM to 3:00 PM. These trucks disturb the peace and quiet, and they drive wildlife away.

13. I am highly concerned that pipeline construction has already caused an increase in the spread of COVID-19 in my community. Since preparations for the pipeline began, my husband and I have noticed an increasing number of trucks associated with pipeline construction and vehicles with out-of-state license plates, some of which, I believe, must belong to pipeline workers. We also have seen local rental co-housing promotions targeted at pipeline workers. I fear that our hospitals could be easily overwhelmed if workers contribute to the spread of the virus. More than half of all COVID-19 deaths in Minnesota have occurred since November 1, when Enbridge was beginning surveying work in our state. I know this because I track the COVID-19 infections, illnesses, and deaths in counties along the pipeline route, and the numbers of COVID-19 deaths in these counties far exceed what one would expect based on population counts.

14. Ever since I learned about the pipeline, I have spent most of my time worrying. I have spent hundreds and hundreds of hours researching the pipeline, wading through opaque permitting documents, and talking with my friends and neighbors about the likely social, cultural, and environmental consequences of pipeline construction and operation. If construction were to stop while legal challenges are pending, I would have some relief. I might even be able

to resume some of the activities I enjoy, such as making art and spending time outdoors, visiting with the chickadees on my property. If the Corps were to take a close, careful look at the consequences of pipeline construction and operation, I would feel more confident that government decision-makers were on the right track. But, based on the information I have now, I do not think the pipeline should move forward under any circumstances.

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, in Alida, Minnesota.

A handwritten signature in cursive script, appearing to read "Jami Gaither".

---

Jami Gaither