

Wisconsin's Green Fire Verbal Comments on Enbridge Pipeline Line 5 Relocation Project Waterway and Wetland Permit and Environmental Impact Statement Scope for the July 1, 2020 DNR Public Hearing

July 1, 2020

Thank you for this comment opportunity. I am Nancy Larson and represent Wisconsin's Green Fire. Our members have extensive experience in natural resource management, science, education, law, and other fields.

Our verbal comments will focus on three topics. We will submit detailed written comments with broader scope by the July 11 deadline.

Our first main point:

- 1. The Chapter 30 waterway permit application from Enbridge is incomplete because it does not provide construction detail for specific river and stream crossings and information on how the public interest in those waters will be protected. It does not provide enough information for the public to review and comment on those specific crossings during this comment period.**

Our review team includes people with DNR experience who have reviewed and issued hundreds of waterway permits.

We were struck by the lack of information in the submittal by Enbridge. Enbridge proposes to cross over 180 waterways and water courses, yet provides no plans for individual waterway crossings, only "typical" designs of how the pipeline may cross any individual waterway, leaving the design for a future date.

Even though Enbridge may supply more information to the DNR as surveys continue, how would the public review and provide input since the public comment period on the permit closes July 11? How can the EIS adequately evaluate the water crossings when specific information has not been provided?

One stream crossing method listed is blasting. The company proposes to blast through the bottom of at least 9 streams, including Vaughn Creek in Iron County. It is not appropriate to

blast any stream bed and it would be a dangerous precedent. The Environmental Protection Plan (EPP) notes that blasting contractors would be responsible to address any damage to private wells.

Our second main point:

2. The EIS needs to address Lake Superior Red Clay Watershed and Instability.

The EPP states that “unstable banks will be reshaped to prevent slumping.” Unstable banks and slumps are common in the Lake Superior clay region even without construction activities. The EIS should include a robust treatment of the specific watershed conditions in the Lake Superior region that create unstable conditions in rivers, streams, ravines, and slopes. It should address how these watershed conditions, and increasingly large rain events, affect pipeline water crossings and overall stability, safety, increased risk of spills, and spill response in this remote region. **The Chapter 30 waterway permit and the wetland permit should be informed by this evaluation in the EIS.**

Our third main point:

3. The EIS needs to address Environmental Justice, High Quality Resources, and Risk of Spills.

The proposed Line 5 reroute is in response to the Bad River Band of Lake Superior Chippewa non-renewal of the lease across tribal lands. The proposed reroute crosses more waterways that flow into the Bad River and Lake Superior, potentially increasing damage to Reservation waters downstream. Lake Superior and the high quality rivers, streams, and wetlands that feed it are irreplaceable. The EIS should address high quality waters and habitats at risk from spills, as well as the important environmental justice aspects of this proposal. Alternative routes, including the “No Action Alternative” that protect tribal lands and culturally significant resources (such as the wild rice beds of Kakagon Sloughs), should be given thorough consideration. The EIS needs to include a robust evaluation of spill potential from pipeline operation, potential volumes based on shut off procedures and locations, and the challenges of spill response in this region.

In summary, the permit application for waterway crossings by Enbridge Energy should not be considered complete and the comment period closed without detailed evaluation by the company and plans for each particular water crossing. The public should have adequate



opportunity to review and comment. The waterway and wetland permit decisions and conditions should be informed by the EIS. The EIS should include robust evaluations of watershed processes that affect pipeline stability, water and terrestrial resources, spill potential and response, and environmental justice.

Thank you