

Wisconsin's Green Fire Verbal Comments on Enbridge Pipeline Line 5 Relocation Project Draft Environmental Impact Statement (EIS) for February 2, 2022 DNR Public Hearing

February 2, 2022

Hello, I am Nancy Larson representing Wisconsin's Green Fire. Our members have extensive experience in natural resource management, science, education, law, and other fields.

Our comments today highlight four major concerns with the draft EIS. We will also submit detailed written comments. We encourage the DNR to draft a new version of the EIS to address the gaps we and others identify, and allow the public to review and comment.

1. Climate Change, Energy Policy,

Investing in new pipeline infrastructure today helps lock in years of additional reliance on fossil fuels. The dEIS does not clearly present the need for this project along with a "no pipeline" alternative.

2. Climate Change-Fueled Storm Events, Spills, Response, and Impacts

The risk of an oil spill in the high-quality watersheds of the Bad River is a significant threat. The dEIS does not adequately address spill prevention, climate-change fueled storms, spill response, and impact to high quality resources. The Lake Superior region's steep unstable terrain and soils increase flood severity and the impact and difficulty of responding to spills.

- The EIS should address how intense storms impact pipeline construction, maintenance, operation, and spill response. The floods and infrastructure damage within the last decade in the Lake Superior region are indicators of what should be expected in the future.
- The EIS should provide scenarios of potential oil spill volumes and impacts.
- Spill response plans should detail routes, equipment and maps for each stream or wetland where spills could occur
- The assumption that spills would not reach the Kakagon Sloughs and Lake Superior is questionable.

3. Environmental Justice

The EIS should have more in-depth and accurate description around environmental justice, tribal treaty rights, impacts to tribal and rural low income communities, and economic and land use impacts to ROW property owners.

4. Waterway and Wetland Crossings and Impacts to Water Resources

Waterway and wetland permits are the most significant regulatory decisions the DNR has authority to make for the project. As in 2020, we remain concerned about the lack of information provided by Enbridge about crossings. For example, there are no site specific plans in the EIS or the permit applications for major waterways— the Bad, White, Marengo, and Brunsweler Rivers. The public is entitled to review and comment on those plans.

- We are concerned about plans for blasting in waterways and wetlands, and that so much responsibility would be handed to Enbridge contractors, including dealing with impacts to private water wells.
- A complete Erosion Control / Stormwater plan should include site specific erosion control details for high quality water bodies and wetlands with standing or shallow subsurface water.
- The plan to trench pipe through streams does not account for the possibility of disrupting subsurface flow contributing to downstream waters, particularly trout waters.
- Enbridge has requested exemptions from seasonal prohibitions of work in streams, meant to protect fish spawning, but no rationale is given other than meeting schedules.
- The EIS should contain more detail on events such as frac-outs, aquifer breaches, or contamination to private wells with plans for prevention and remediation.

In conclusion, the Lake Superior region has incredible high quality beautiful resources that need the utmost protection, which should be more strongly reflected in the EIS and permits. We encourage the DNR to redraft the EIS for a more complete environmental, social, economic, and energy policy analysis, and allow public comment on the draft and water resource permit related information.

Thank you.