



Mr. Chad Konickson, Chief  
St. Paul District Corps of Engineers,  
Regulatory Branch  
CEMVP-RD 180 Fifth Street East,  
Suite 700 Saint Paul,  
MN 55101 1678

March 1, 2022

Re: Request for a full Environmental Impact Statement, Public Hearing and Extension of the Comment Period for U.S. Army Corps of Engineers Permit Application No.: 2020-00260-WMS

Dear Chief Konickson,

Wisconsin's Green Fire is a non-profit organization whose mission is to support the conservation legacy of Wisconsin by promoting science-based management of natural resources. Our members have extensive experience in natural resource management, science, education, law, and other fields including preparation and analysis of Wisconsin Environmental Policy Act (WEPA) Environmental Impact Statements (EIS), as well as coordinating with National Environmental Policy Act (NEPA) permits for varied projects in Wisconsin.

**We are writing to request that the U.S. Army Corps of Engineers (USACE) extend the public comment period and require a comprehensive EIS with associated public input and hearing opportunities for the proposed Enbridge Energy Line 5 Wisconsin segment relocation project.**

We believe that this significant and complex project has potentially major environmental, climate and social justice impacts that have not been fully described in to-date public review opportunities.

The Wisconsin draft EIS has not been finalized and no state water quality certificate has been granted or waived as required for a section 404 permit. Our review of the Wisconsin permits and draft EIS found a lack of analysis and significant errors. The USACE public comment period must be extended allowing the Wisconsin's final EIS to inform public input on USACE permitting.

The Biden Administration's rescinding of the Trump Administration's 2019 Draft National Environmental Policy Act (NEPA) Guidance on Consideration of Greenhouse Gas Emissions, President Biden's Executive Orders 13990 and 14008, which direct federal agencies to ensure use of sound science and fair processes to address the climate crisis and environmental injustice, and the October 6, 2021 restoration of community safeguards in NEPA all support the need for additional review of the Wisconsin segment of Line 5 proposal.

### Background

As you may be aware, Line 5 was first constructed in 1953, prior to establishment of NEPA or other comprehensive federal environmental review processes. The pipeline, owned by Canadian-based corporation Enbridge Inc., carries crude oil across Wisconsin and Michigan to refineries in Ontario. Compelling concerns exist for the portion of Line 5 across Wisconsin's Lake Superior south shore, where spills pose significant threats to Lake Superior and its watershed, as well as the traditional life ways of Native American Tribes. Specifically, Tribes and citizens have mounted strong opposition to a proposed re-route of the pipeline around the Reservation of the Bad River Band of Lake Superior Chippewa, citing Enbridge's poor safety record and arguing that operation of Line 5 poses risks to Tribal and rural communities' current and future generations.

### Threats to Wisconsin Waterways and Communities

The pipeline currently crosses the Bad River, threatening the Bad River and Kakagon Sloughs, the largest wetland complex on Lake Superior, and a RAMSAR Wetland of International Importance.

Enbridge's proposed reroute expansion does not remove threats to the watershed. It crosses many more waterways, many flowing into the Bad River and all eventually leading to Lake Superior. The potential for spills along the proposed reroute is significant and a spill would impact all communities in the watershed.

The Lake Superior basin experienced intense flooding in the summers of 2012, 2016, and 2018, likely exacerbated by climate change. The damage to roads and other infrastructure experienced during these flood events suggests a high probability of future damage to the pipeline. The topography and access in the region would make it difficult or impossible to respond in a timely manner to a future leak or spill occurring during a major storm event. Such a spill would also threaten Lake Superior fisheries, wildlife and the nearby Apostle Islands National Lakeshore. In addition to these direct threats to natural resources and Lake Superior, broader impacts include the social and economic impacts of pipelines to all the communities in the watershed and along the lakeshore.

### Environmental Justice

In all permit and EIS processes related to Line 5, priority should be given to environmental justice concerns consistent with Biden Administration's stated goals.

The pipeline will flow through many rural communities where local resources to respond to spills are limited. The geography and infrastructure of the region poses challenges to speedy and efficient spill response times jeopardizing groundwater that many communities and families depend for clean drinking water through individual wells. This rural region would therefore face disproportionate risk and have a diminished ability to recover from the impacts from a spill, which are likely to be significant.

#### Climate Impacts

Continued use of Line 5 to transport petroleum products promotes extraction and use of carbon-intensive fuels. The Biden Administration's stated goals focus on the need to shift away from fossil fuels to renewable energy. We ask that all consideration of Line 5 include greenhouse gas emissions projections (domestic and foreign) and alternatives to the pipeline, consistent with the U.S. District Court decision that reversed approvals for the ConocoPhillips' Willow Pipeline, in Alaska.

In correspondence with the Council for Environmental Quality (11/2021), we suggested that Line 5 should be reviewed in its entirety, noting that the direct impacts of spills in Wisconsin or Michigan Great Lakes watersheds could be significant. Between 2010 and 2021 approximately \$3.8 billion have been spent through the Great Lakes Restoration Initiative to address Areas of Concern, toxics, invasive species, habitats and more. In Wisconsin alone, \$405 million of those funds have been spent. In a time when clean water is increasingly important, these "national treasures" warrant the utmost protection. Lake Superior, which holds 10% of the world's fresh water, and its tributary rivers, streams, and wetlands are irreplaceable.

In closing, we strongly urge USACE to consider NEPA review of Line 5 in its entirety, recognizing the lack of historical review in 1953, and the breadth of its impacts on rural and impoverished communities and Tribal Nations. However, at a minimum we call for a full EIS for the Wisconsin re-location segment of Line 5 with the extended public comment opportunities.

Thank you for consideration of our comments.



Terry Daulton  
Board President, Wisconsin's Green Fire