



STATE OF WISCONSIN  
DEPARTMENT OF ADMINISTRATION

Tony Evers, Governor  
Kathy Blumenfeld, Secretary  
Dawn Vick, Division Administrator

*Sent via email only*

November 14, 2024

Joe McGaver  
Enbridge  
11 East Superior Street, Suite 125  
Duluth, MN 55802

Re: Wisconsin Coastal Management Program: U.S. Army Corps of Engineers Permitting for the  
Enbridge Line 5 Wisconsin Segment Relocation Project, Federal Consistency Review

Mr. McGaver:

The Wisconsin Coastal Management Program (WCMP) has reviewed U.S. Army Corps Engineers (USACE) permitting under their Draft Combined Decision Document for federal consistency with the program's enforceable policies. Enbridge provided a consistency certification letter to WCMP in February 2020, along with a copy of the application materials for USACE and Wisconsin Department of Natural Resources (DNR) permits. After discussion with DNR staff, WCMP notified Enbridge that there was not, at that time, enough information to respond to the consistency certification. Since that time, USACE and DNR have each been gathering information and evaluating the project through their respective processes.

As described by the USACE Draft Combined Decision Document, the project will involve construction-related activities to replace about 20 miles of existing Line 5 pipeline, including approximately 12 miles of the pipeline within the boundaries of the Bad River Band of Lake Superior Chippewa Reservation, with approximately 41 miles of a new pipeline located entirely outside the boundaries of the Bad River Reservation. The existing pipeline crosses portions of Douglas, Bayfield, Ashland, and Iron Counties, as well as the Bad River Reservation. The USACE Draft Combined Decision Document and supporting information can be found on their website at: [https://www.mvp.usace.army.mil/Enbridge\\_Line5-WI/](https://www.mvp.usace.army.mil/Enbridge_Line5-WI/).

Under Section 307 of the Coastal Zone Management Act (16 U.S. Code § 1456 and 15 CFR Part 930), federal consistency requires that federal actions with reasonably foreseeable effects on coastal uses or resources should be consistent with the state Coastal Management Program's enforceable policies. The USACE permitting is authorized under Section 404 of the Clean Water Act and Section 10 of the Rivers and Harbors Act, which WCMP has listed as activities subject to review. The activities are within Wisconsin's Coastal Zone, which extends to the county line for each of Wisconsin's coastal counties. The federal permitting is subject to review under WCMP's enforceable policies. WCMP's enforceable policies can be found in Attachment C of "Wisconsin Coastal Management Program: A Strategic Vision for the Great Lakes," available on the WCMP website, <http://coastal.wisconsin.gov>.

USACE published notice of its Draft Combined Decision Document on May 20, 2024. Federal regulations direct state agencies to proceed with final decision-making using the minimum time

necessary to reasonably inform the public, obtain sufficient comment and develop a decision.<sup>1</sup> WCMP determined there was enough information at that time to evaluate the project for federal consistency and considers May 20, 2024, as the start of federal consistency review for this project. In addition to the notice USACE provided in their Draft Combined Decision Document, WCMP published notice in the Ashland Daily Press, the Wisconsin State Journal, and on its website. WCMP's public comment period, after an extension, was open until August 4, 2024. WCMP held a public hearing on August 15, 2024. The Wisconsin Department of Administration (the agency in which WCMP is located) participated in government-to-government consultations with the Red Cliff Band of Lake Superior Chippewa and the Bad River Band of Lake Superior Chippewa on August 19, 2024.

WCMP received more than 120 written comments during the public comment period and public hearing. Twenty-nine people spoke at the public hearing, with twenty-two people speaking against the project and seven speaking in support of it. The comments received are included with this letter. WCMP recorded the public hearing and will share the recording with you upon request.

WCMP reviewed the comments received during the public comment period, public hearing, and government-to-government consultations. WCMP met with DNR staff to discuss the comments and the DNR's permitting process. DNR is evaluating the Line 5 Wisconsin Segment Relocation Project under their regulatory authorities. DNR staff completed reviewing comments received through their process and released their final Environmental Impact Statement (EIS) on September 6, 2024. More information is available on the DNR's website: <https://dnr.wisconsin.gov/topic/EIA/Enbridge.html>.

Although it is the lead for federal consistency review in the state, WCMP relies on other state agencies for evaluating projects undergoing federal consistency review. The enforceable policies that are relevant to the USACE permitting are based on regulations that DNR enforces and are being addressed through DNR permitting. To date, DNR has issued Waterway Permits under Chapter 30 Wis. Stat.; Wetland Permits under § 281.36, Wis. Stat.; Water Quality Certification under Chapters NR 103 and NR 299, Wis. Adm. Code; and a Storm Water Permit under Chapter 283, Wis. Stat., NR 151 and NR 216, Wis. Adm. Code. Many of the state's enforceable policies have been addressed through those permits.

DNR has not yet issued two permits relevant to the state's enforceable policies, including a Hydrostatic Test Water Appropriation/Discharge Permit under Chapter 283, Wis. Stat., and an Incidental Take Permit under § 29.604(6), Wis. Stat.

In accordance with Section 307 of the Coastal Zone Management Act and 15 CFR 930, Subpart D, and 15 CFR § 930.4, WCMP concurs with the consistency certification, if the following conditions are met:

**Condition 1: Hydrostatic Test Water Appropriation/Discharge Permit, Chapter 283, Wis. Stat.**  
Enbridge is seeking authorization to discharge hydrostatic test waters under the Wisconsin Pollutant Discharge Elimination System permit program. The state permitting will ensure that any discharges will not exceed water quality standards. DNR review and permitting procedures will ensure the USACE permitting is consistent with Wisconsin's enforceable policies. The condition will be met when DNR issues a permit or determines a permit is not required.

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<sup>1</sup> "Following receipt of the material described in § 930.60 the State agency shall ensure timely public notice of the proposed activity. Public notice shall be provided for the area(s) of the coastal zone likely to be affected by the proposed activity, as determined by the State agency. At the discretion of the State agency, public participation may include one or more public hearings. The State agency shall not require an applicant or a Federal agency to hold a public hearing. State agencies should restrict the period of public notice, receipt of comments, hearing proceedings and final decision-making to the minimum time necessary to reasonably inform the public, obtain sufficient comment, and develop a decision on the matter." 15 CFR § 930.61(a).

*Enforceable policies:*

1.3) Discharge of effluents, including industrial, municipal and agricultural wastes, into any waters of the state shall not be allowed if they exceed federal and state water quality standards. (See Wis. Stats. §§ 283.11-.31, and Wis. Admin. Code ch. NR 221 to 297). (See also managed use #8).

1.4) Disposal in the waters of the state of the following defined pollutants shall be restricted: dredged spoil, solid waste, incinerator residue, sewage, garbage, refuse, oil, sewage sludge, munitions, chemical wastes, biological materials, radioactive substance, heat, wrecked or discarded equipment, rock, sand, cellar dirt, and industrial, municipal and agricultural waste discharged into water. (See Wis. Stats. §§ 283.01(13), 283.31(1) and 29.601). (See also managed uses #8 and #9).

1.10) The discharge of toxic pollutants in toxic amounts shall be prohibited. (See Wis. Stats. §§ 283.01(17) and 283.001(1)(c)). (See also managed use #8).

**Condition 2: Incidental Take Permit, § 29.604(6), Wis. Stat.**

Enbridge may request an incidental take permit if impacts to state listed endangered or threatened species are anticipated. WCMP's enforceable policy 2.7 prohibits the taking of threatened or endangered species. DNR review and permitting procedures will ensure the USACE permitting is consistent with Wisconsin's enforceable policies. The condition will be met when DNR issues the permit or determines the permit is not required.

*Enforceable policy:*

2.7) The taking, possessing, sale, processing and distribution of fish, wildlife and plant life designated by the state and/or the U.S. as endangered, native and foreign species is prohibited. (See Wis. Stats. § 29.604 and Wis. Admin. Code NR 27). (See also managed use #8).

Upon receiving the listed DNR permits, as noted in Conditions 1 and 2, or when DNR determines no permit is required, the conditions listed will be met.

Please notify WCMP immediately if the conditions cannot be met, or if USACE will not approve the permitting application with the conditions. If the conditions are not met, as outlined in 15 CFR § 930.4, the conditional concurrence will be treated as an objection for the noted condition/enforceable policy. Enbridge and USACE would, through 15 CFR § 930.63(c), have the opportunity to appeal the objection to the Secretary of Commerce, within 30 days of the objection or 30 days after receiving notice from USACE that the application will not be approved.

This conditional concurrence does not exempt the project from any other necessary permits that may be required under other federal, state, or local regulations. If you have any questions, please contact me at 608-267-7982 or [michael.friis@wisconsin.gov](mailto:michael.friis@wisconsin.gov).

Sincerely,



Michael Friis, Director  
Resource Policy Bureau  
Wisconsin Coastal Management Program

cc: William Sande, U.S. Army Corps of Engineers  
Kate Angel, Wisconsin Coastal Management Program  
Dawn Vick, Division of Intergovernmental Relations  
Kyle McLaughlin, Wisconsin Department of Natural Resources

Enc: Enbridge letter, Wisconsin Coastal Management Program; Federal Consistency Certification  
Enbridge Line 5 Wisconsin Segment Water Resources Application for Project Permits  
USACE Public Notice of Availability of Draft Combined Decision Document, [with link to USACE's Line 5 site](#)

Comments received during public comment period:

- Comments received via webform
- Comments received from the Bad River Band of Lake Superior Chippewa
- Comments received from the Red Cliff Band of Lake Superior Chippewa
- Comments received from Clean Wisconsin, 350 Wisconsin, Midwest Environmental Advocates, and Sierra Club of Wisconsin

Written comments received during public hearing



Cathryn Hanson  
Supervisor, Environment  
Projects (US)

Tel 218-522-4701  
Cathryn.Hanson@enbridge.com

Enbridge Energy, Limited  
Partnership  
11 East Superior Street, Suite 125  
Duluth, MN 55812

February 18, 2020

Kathleen Angel  
Federal Consistency and Coastal Hazards Coordinator  
Wisconsin Coastal Management Program  
101 East Wilson Street, 9th Floor  
P.O. Box 8944  
Madison, Wisconsin 53708-8944

RE: Wisconsin Coastal Management Program; Federal Consistency Certification  
Enbridge Energy, Limited Partnership – Line 5 Wisconsin Segment Replacement Project

Dear Ms. Angel,

Enbridge Energy, Limited Partnership ("Enbridge Energy" or "Enbridge") recently submitted a Water Resources Application for Project Permits, requesting authorization from the Wisconsin Department of Natural Resources ("WDNR") and the U.S. Army Corps of Engineers ("USACE") for permits to construct its Line 5 Wisconsin Segment Replacement Project ("Project").

Enbridge's existing Line 5 pipeline is a 645-mile-long, 30-inch outside diameter interstate pipeline that originates at Enbridge's Superior Terminal, located in Superior, Wisconsin, traverses northern Wisconsin and the Upper and Lower Peninsulas of Michigan, and terminates near Sarnia, Canada. In response to litigation filed in July 2019 and discussions with the Bad River Band of Lake Superior Chippewa Tribe ("Bad River Band"), Enbridge has developed the Project to reroute the existing Line 5 pipeline around the external boundaries of the Bad River Reservation ("Reservation") while still maintaining current deliveries. The proposed Project will replace approximately 20 miles of the existing Line 5 pipeline, including the approximate 12 miles of pipeline within the Reservation, with approximately 41.1 miles of a new, 30-inch outside diameter pipeline segment that will be located entirely outside the exterior boundaries of the Reservation. The proposed Project begins near the intersection of State Highway 137 and State Highway 112 in Ashland County and extends to approximately the intersection of US Highway 2 and State Highway 169 in Iron County. Additionally, the Project will include the installation of cathodic protections and AC mitigation facilities, five mainline block valves, and minor modifications to the existing Ino Pump Station.

Enbridge has applied for water quality certification under Section 401 of the CWA from the WDNR for the Project. Enbridge also applied to WDNR for a Chapter 30 permit for temporary bridges, dredging in or near public waters, and grading on the banks of public waters. Enbridge reviewed all of the applications it submitted to USACE and WDNR in connection with the Project for consistency with Wisconsin's Coastal Management Program. Enbridge hereby makes the following certification regarding USACE and WDNR permit applications for Line 5:

*The proposed activities for Line 5 comply with the policies of Wisconsin's approved Coastal Management Program and will be conducted in a manner consistent with such policies.*

Enbridge is enclosing electronic copies of the above-listed joint USACE and WDNR permit application to provide you with the information needed to complete your review of the proposed Project.

If you have any questions or need further information, please contact me (218-522-4701; Cathryn.Hanson@enbridge.com) or Tim Drake at ERM (612-840-9160; tim.drake@erm.com).

Sincerely,

A handwritten signature in black ink that reads "Cathryn Hanson". The script is cursive and fluid, with the first name "Cathryn" and last name "Hanson" clearly legible.

Cathryn Hanson, MBA  
Supervisor, Environmental Projects (US)  
Line 5 Wisconsin Segment Relocation Project

Enclosures: WDNR Water Resources Application for Project Permits

cc: Mr. Ben Callan, Wisconsin Department of Natural Resources  
Mr. William Sande, U.S. Army Corp of Engineers



**Line 5 Wisconsin Segment Relocation Project**  
**Ashland, Bayfield, and Iron Counties, Wisconsin**

**Water Resources Application for Project Permits**  
**Supplemental Information**

February 2020



## **Table of Contents**

1.0	INTRODUCTION .....	1
2.0	PROJECT PURPOSE AND NEED .....	1
3.0	PROJECT LOCATION AND LAND REQUIREMENTS .....	2
3.1.1	Construction Right-of-Way .....	2
3.1.2	Additional Temporary Workspace Areas .....	5
3.1.3	Access Roads.....	5
3.1.4	Pipe Storage and Contractor Yards .....	8
3.1.5	Aboveground Facilities.....	8
3.1.6	Cathodic Protection and AC Mitigation .....	8
4.0	ALTERNATIVES .....	8
5.0	WATERBODIES AND WETLANDS .....	12
5.1	Waterbody crossings .....	12
5.1.1	General Impacts and Mitigation .....	13
5.2	wetland crossings.....	13
5.2.1	General Impacts and Mitigation .....	14
5.2.2	Wetland Mitigation.....	15
6.0	PROTECTED SPECIES .....	15
7.0	CULTURAL RESOURCES.....	16
8.0	LAND OWNERSHIP.....	16
9.0	PERMITTING REQUIREMENTS .....	16
10.0	AGENCY REVIEW.....	17

## **List of Tables**

Table 3.0-1: Township, Range, and Sections Crossed .....	2
Table 3.1.2-1: Typical Dimensions of Additional Temporary Workspaces.....	5
Table 3.1.3-1: Proposed Access Roads .....	5
Table 4.0-1: Environmental Features Comparison—Route Alternatives.....	11
Table 5.1-1: Summary of Waterbodies Crossed by the Project.....	12
Table 5.2-1: Summary of Project Wetland Impacts .....	14
Table 7.0-1: Preliminary List of Government Authorities and Titles of Permits/Approvals .....	17

## **List of Figures**

Figure 2.0-1: Project Overview Map.....	3
Figure 3.1.1-1: Typical Construction Workspace—Uplands .....	4
Figure 3.1.1-2: Typical Construction Workspace—Wetlands .....	4
Figure 4.0-1: Overview of Route Alternatives .....	10

**List of Attachments**

Attachment A	Topographic Maps
Attachment B	Aerial Route Maps
Attachment C	Wetland Delineation Report
Attachment D	Waterbody Crossing Table
Attachment E	Wetland Delineation Report Concurrence Communication
Attachment F	Wetland Crossing Table
Attachment G	SSURGO Soil Survey Maps
Attachment H	WDNR Mitigation Summary Worksheet
Attachment I	Environmental Review Request and Agency Response
Attachment J	2019 Phase 1 Archaeology Report
Attachment K	List of Landowners and Adjacent Landowners

### **List of Acronyms**

<b>Name</b>	<b>Description</b>
ATWS	additional temporary workspace
Bad River Band	Bad River Band of Lake Superior Chippewa Tribe
bpd	barrels per day
Company	Enbridge Energy, Limited Partnership
Enbridge	Enbridge Energy, Limited Partnership
EPP	Environmental Protection Plan
NGL	Natural Gas Liquid
NHI	Natural Heritage Inventory
NHPA	National Historic Preservation Act
NRHP	National Register of Historic Places
PEM	Palustrine Emergent
PFO	Palustrine Forest
PSS	Palustrine Scrub-Shrub
Project	Line 5 Wisconsin Segment Relocation Project
Reservation	Bad River Reservation
SSURGO	Soil Survey Geographic Database
TCR	Traditional Cultural Resource
USACE	U.S. Army Corps of Engineers
USFWS	U.S. Fish and Wildlife Service
WDNR	Wisconsin Department of Natural Resources
WWI	Wisconsin Wetland Inventory

**Notice:** Pursuant to chs. 30 and 31, Wis. Stats., ch. 281, Wis. Stats., and s. 283.33, Wis. Stats., this form is used to apply for coverage under the state construction site storm water runoff general permit, and to apply for a state or federal permit or certification for waterway and wetland projects or dam projects. This form and any required attachments constitute the permit application. Failure to complete and submit this application form may result in a fine and/or imprisonment or forfeiture under the provisions of applicable laws including s. 283.91, Wis. Stats. Personal information collected will be used for administrative purposes and may be provided to requesters to the extent required by Wisconsin's Public Records Laws (ss. 19.31-19.39, Wis. Stats.).

Use this form for (select all that apply):

- |  |   |
|--|---|
| <input type="checkbox"/> Waterway General Permit               | <input type="checkbox"/> Storm water NOI - New land disturbing construction activity        |
| <input checked="" type="checkbox"/> Waterway Individual Permit | <input type="checkbox"/> Storm water NOI - Renewal FIN # _____                              |
| <input type="checkbox"/> Wetland General Permit                | <input checked="" type="checkbox"/> Work in waters of the U.S. (Army Corps of Engineers)    |
| <input checked="" type="checkbox"/> Wetland Individual Permit  | <input type="checkbox"/> Dam projects (DNR-ch. 31, Wis. Stats., or Army Corps of Engineers) |

Read all instructions provided before completing. If additional space is needed, attach additional pages.

**Section 1: Landowner Information**

Landowner Name (first and last name, org. or entity)	Authorized Representative		
Refer to Supplemental Information	Cathryn Hanson		
Mailing Address	City	State	ZIP Code
11 East Superior Street, Suite 125	Duluth	MN	55802
Email Address	Phone Number (include area code)	Alternate Phone Number	
Cathryn.Hanson@enbridge.com	(218) 522-4701	(715) 817-8732	

**Section 2: Applicant Information** ☒ Select if same as landowner

Applicant Name (first and last name, org. or entity)	Contact Person		
Enbridge	Cathryn Hanson		
Mailing Address	City	State	ZIP Code
11 East Superior Street, Suite 125	Duluth	MN	55802
Email Address	Phone Number (include area code)	Alternate Phone Number	
Cathryn.Hanson@enbridge.com	(218) 522-4701	(715) 817-8732	

**Section 3: Primary Project Contact** ☒ Select if same as landowner

☒ Consultant    ☐ Contractor    ☐ Other – Specify: \_\_\_\_\_

Name (Ind., Org. or Entity)	Contact Person (first and last name)		
Environmental Resources Management (ERM)	Tim Drake		
Mailing Address	City	State	ZIP Code
1000 IDS Center, 80 South Eighth Street	Minneapolis	MN	55402
Email Address	Phone Number (include area code)	Alternate Phone Number	
tim.drake@erm.com	(612) 337-3365	(612) 840-9160	

**Section 4: Project or Site Location**

Project Name	County	<input type="radio"/> City <input type="radio"/> Town <input type="radio"/> Village
Line 5 Wisconsin Segment Relocation Project		of
Location Address/Description		

Please see Supplemental Information

**Public Land Survey System (PLSS)** – Provide the section, range, township information and latitude and longitude in decimal degrees, if available.

\_\_\_\_\_ ¼ of \_\_\_\_\_ ¼ of Section \_\_\_\_\_, Township \_\_\_\_\_ N, Range \_\_\_\_\_ ☐ E ☐ W \_\_\_\_\_ Latitude \_\_\_\_\_ Longitude

If this site is not wholly contained in the quarter-quarter section, more description:  
Please see Supplemental Information.

**Section 5: Pre-Application Resource Screening**

Screening your project site for the presence of sensitive natural or cultural resources before applying for a permit can assist you in planning and designing your project to avoid or minimize impacts to these resources. Please identify any screening you have already completed and attach any supporting documentation to your application. If sensitive resources are identified during the permit review, it may result in delays in processing your application and/or project re-design.

**Waterways:** Provide the name(s) of closest waterbodies:

**Wetlands:** Has the project site been assessed for the presence of wetlands? ☒ Yes ☐ No

If yes, select all sources of information used and attach supporting report or documentation:

- ☒ Wisconsin Wetland Inventory
- ☒ Wetland Locator Tool - <http://dnr.wi.gov/topic/wetlands/locating.html>
- ☒ Wetland Delineation by consultant
- ☒ NRCS Soils Map
- ☐ DNR Wetland Identification letter - <http://dnr.wi.gov/topic/wetlands/identification.html>
- ☐ DNR Wetland Confirmation letter - <http://dnr.wi.gov/topic/wetlands/identification.html>
- ☐ Army Corps of Engineers Concurrence letter
- ☐ Other: \_\_\_\_\_

Are wetlands proposed to be filled, excavated or disturbed during construction or as part of this project? ☒ Yes ☐ No

**Endangered or Threatened Resources:**

Has the presence of endangered or threatened resources been evaluated according to the protocols developed by the DNR Bureau of Natural Heritage Conservation (BNHC)? [dnr.wi.gov/topic/ERReview/](http://dnr.wi.gov/topic/ERReview/) ☒ Yes ☐ No

If yes, select how evaluation was completed and attach supporting report or documentation:

- ☒ DNR BNHC ER Review Letter
- ☐ Certified ER Review Letter
- ☐ Broad Incidental Take Permit/Authorization - specify (e.g. No/Low Impact Activities, Grassland and Savanna Management, etc.)
- ☐ Other: \_\_\_\_\_

**Section 6: Project Information (attach additional sheets as necessary)**

**Duration:** 01/01/2021 09/30/2021  
Anticipated Project Start Date (mm/dd/yyyy) Anticipated Project End Date (mm/dd/yyyy)

**Photos:** Provide photographs of the "before" condition. Refer to Supplement Information - Appendix C  
Date of Photographs

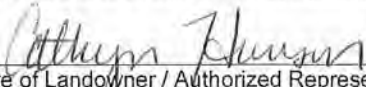
**Project Purpose and Need:** Provide a one to two paragraph description of the proposed project, including land and water alterations and intended use(s) of the project.

Please see Supplemental Information.

**Section 7: Certification and Permission**

**Certification:** I hereby certify that I am the owner or authorized representative of the owner of the property which is the subject of this Permit Application. I certify that the information contained in this form and attachments is true and accurate. I certify that the project will be in compliance with all permit conditions. I understand that failure to comply with any or all of the provisions of the permit may result in permit revocation and a fine and/or imprisonment or forfeiture under the provisions of applicable laws.

**Permission:** I hereby give the Department permission to enter and inspect the property at reasonable times, to evaluate this notice and application, and to determine compliance with any resulting permit coverage.

  
Signature of Landowner / Authorized Representative – **For Stormwater applications, signature of landowner is required. Authorized representative is not sufficient.**

2/7/2020  
Date Signed

Cathryn Hanson  
Printed Name of Landowner / Authorized Representative

\_\_\_\_\_  
Supervisor  
Title

## 1.0 INTRODUCTION

Enbridge Energy, Limited Partnership (“Enbridge” or “Company”) owns the U.S. portion of the world’s longest liquid petroleum pipeline system. Combined with the Canadian portion, the operationally integrated pipeline system spans approximately 3,200 miles across North America and has been in operation since 1950. Detailed information on Company ownership and structure is included on the Company’s website at [www.enbridgepartners.com](http://www.enbridgepartners.com) or [www.enbridge.com](http://www.enbridge.com). Enbridge’s pipeline system transports crude petroleum to serve refineries in the Midwestern states. Enbridge also transports smaller volumes of crude oil from the western U.S. through an interconnection with Enbridge Pipelines (North Dakota) LLC and from the Gulf of Mexico coast via interconnections with other pipeline systems.

In 1953, Enbridge’s existing Line 5 pipeline became operational. The existing Line 5 pipeline is a 645-mile-long, 30-inch outside diameter interstate pipeline that originates at Enbridge’s Superior Terminal, located in Superior, Wisconsin, traverses northern Wisconsin and the Upper and Lower Peninsulas of Michigan, and terminates near Sarnia, Canada. Line 5 is vital energy infrastructure, with an annual average capacity of 540,000 barrels per day (“bpd”), which transports light crude, including light synthetic, light sweet crude oil, and natural gas liquids (“NGL”)<sup>1</sup>. Line 5 is a critical conduit for refineries in the region, delivering essential feedstock that is refined into propane, gas, diesel, jet fuel, and other products. Line 5 delivers NGLs to the Plains Midstream Depropanization Facility at Rapid River, Michigan. At the Rapid River facility, much of the NGLs deliveries are converted to propane which is then distributed to heat homes and power industry in the region. The non-propane NGLs are then re-injected back into Line 5 for further downstream processing. In the Lower Peninsula of Michigan, Line 5 accepts light crude oil production at Lewiston, where Line 5 interconnects with the MarkWest Michigan Crude Pipeline System. In the Lower Peninsula of Michigan, Line 5 also delivers crude to the Marysville Crude Terminal that interconnects with the Sunoco Eastern System pipeline, which then transports crude from the Marysville terminal to refineries in Detroit and Toledo. These refineries then produce petroleum products, including gasoline and aviation fuels used by consumers in the surrounding regions. Line 5 throughput is also delivered to the Sarnia terminal where the crude is then delivered to refineries in Ontario, New York State, and Quebec. Line 5 also delivers NGLs to the Plains Fractionation Facility in Sarnia, where it is converted to propane.

## 2.0 PROJECT PURPOSE AND NEED

In Wisconsin, the existing Line 5 pipeline crosses Douglas, Bayfield, Ashland, and Iron Counties. Within Ashland County, the existing Line 5 pipeline crosses through approximately 12 miles of the Bad River Reservation (“Reservation”) of the Bad River Band of Lake Superior Chippewa Tribe (“Bad River Band”). Enbridge and the Bad River Band have been in discussions for several years regarding renewal of pipeline easement on 15 parcels of land through the Reservation. In January of 2017, the Bad River Tribal Council announced their decision to deny renewal of Enbridge’s easements on Allottee Lands (lands held in trust by the U.S. Government for the benefit of Individual Indian Allottee Landowners established through the General Allotment Act of 1887; also known as the Dawes Act) crossed by the existing Line 5. Enbridge subsequently entered into confidential mediation with the Bad River Band.

In July 2019, the Bad River Band terminated mediation discussions with Enbridge and filed a lawsuit in federal court seeking an order requiring Enbridge to remove its Line 5 pipeline from the Reservation among other claims. In response to this litigation and discussions with the Bad River Band regarding its preferences for Line 5 to be removed from the Reservation, Enbridge developed the Line 5 Wisconsin Segment Relocation Project (“Project”) to reroute the existing Line 5 pipeline around the external boundaries of the Reservation while still maintaining current deliveries. The proposed Project will replace approximately 20 miles of the existing Line 5 pipeline,

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<sup>1</sup> Natural gas liquids are hydrocarbons, in the same family of molecules as natural gas and crude oil, composed exclusively of carbon and hydrogen (examples include ethane, propane, and butane).

including the approximate 12 miles of pipeline within the Reservation, with approximately 41.1 miles of a new, 30-inch outside diameter pipeline segment that will be located entirely outside the exterior boundaries of the Reservation (see Figure 2.0-1). Additionally, the Project will include the installation of cathodic protections and AC mitigation facilities, five mainline block valves, and minor modifications to the existing Ino Pump Station.

The Project will allow Enbridge to continue uninterrupted deliveries of propane to the Upper Peninsula of Michigan, as well as to maintain reliable, economic, and secure committed transportation services for its shipping customers. The propane extracted at Rapid River provides propane to both Wisconsin and Michigan residents. After the Project is in service, the pipeline would no longer operate within the Reservation.

Enbridge is submitting this Water Resources Application for Project Permits and requests authorization from the Wisconsin Department of Natural Resources (“WDNR”) and the U.S. Army Corps of Engineers (“USACE”) for permits to construct its Project. Additionally, Enbridge has prepared an Environmental Impact Report for the proposed Project, which provides supplemental information in support of environmental permits and approvals required from the WDNR and the USACE. Enbridge is submitting the Environmental Impact Report as a separate enclosure.

### 3.0 PROJECT LOCATION AND LAND REQUIREMENTS

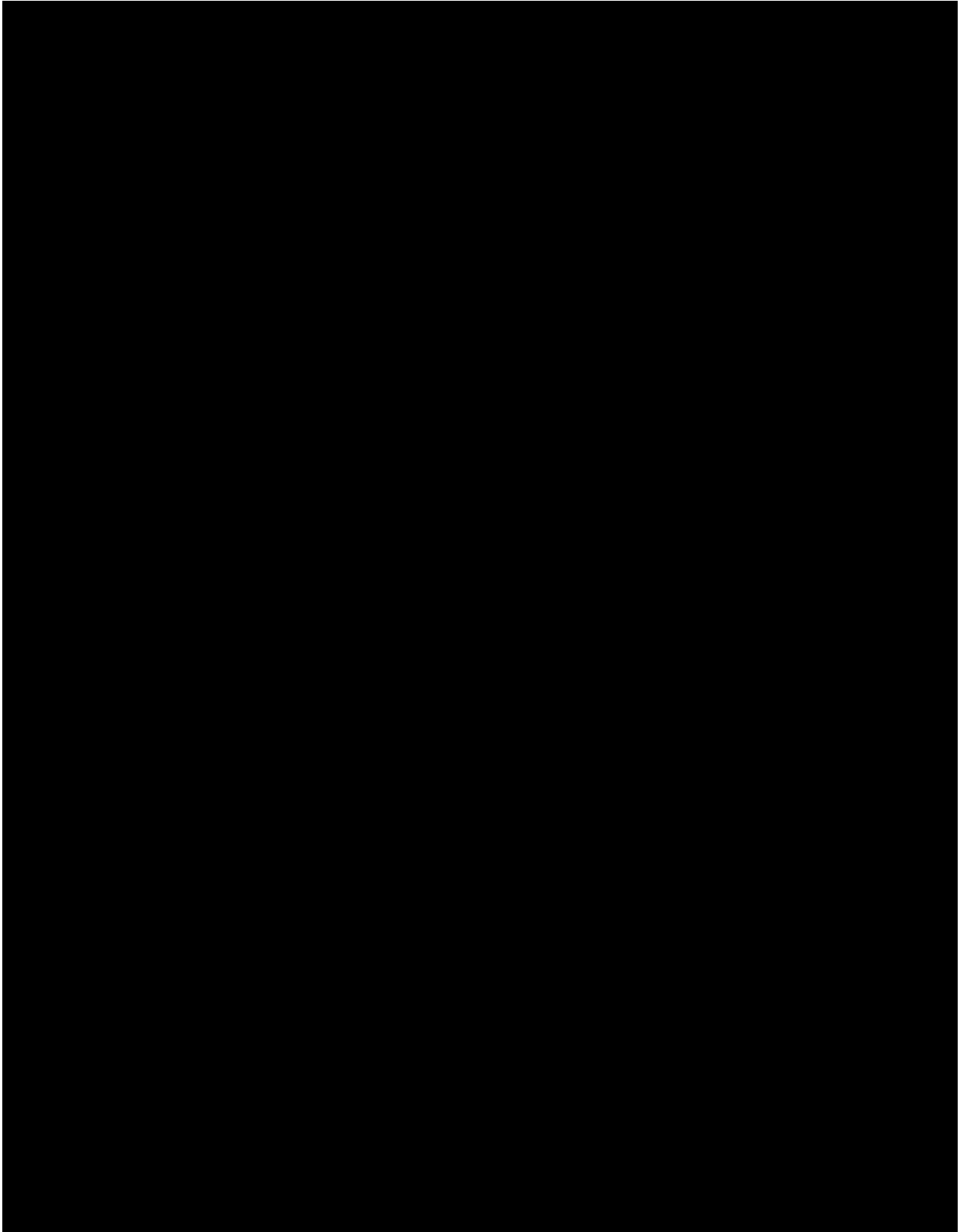
The Project is located in Ashland, Bayfield, and Iron County, Wisconsin. Figure 2.0-1 provides a general location map depicting the Project route. The route is located within the USACE – St. Paul District and the WDNR Northern Region. Topographic and aerial-based route maps are included in Attachment A and B, respectively. Table 3.0-1 includes a list of township, range, and sections crossed by the Project.

**Table 3.0-1: Township, Range, and Sections Crossed**

<b>Township</b>	<b>Range</b>	<b>Section</b>
T45N	R1W	5, 6, 7, 8, 18
T45N	R2W	1, 2, 11, 12, 13, 14, 22, 23, 27, 28, 30, 31, 32, 33
T45N	R3W	6, 7, 8, 9, 14, 15, 16, 17, 22, 23, 24, 25, 36
T45N	R4W	1, 2, 12
T46N	R1W	3, 4, 8, 9, 10, 15, 16, 17, 20, 21, 22, 27, 28, 29, 30, 32, 33
T46N	R4W	5, 6, 7, 8, 17, 18, 19, 20, 26, 27, 28, 29, 34, 35, 36
T47N	R1W	33, 34
T47N	R4W	7, 17, 18, 20, 29, 32
T47N	R5W	10

#### 3.1.1 Construction Right-of-Way

Enbridge generally proposes to use a 120-foot-wide construction right-of-way for the new 30-inch outside diameter pipeline segment, which will allow for temporary storage of topsoil and spoil as well as accommodate safe operation of construction equipment. To minimize wetland disturbance, Enbridge proposes to reduce the construction right-of-way to 95-foot-wide in wetlands where practicable based on site-specific conditions. The construction right-of-way includes permanently maintained right-of-way and temporary workspaces. The construction right-of-way consists of the spoil side (area used to store topsoil and excavated materials) and the working side (equipment work area and travel lane) (see Figures 3.1.1-1 and 3.1.1-2).



**Figure 2.0-1: Project Overview Map**

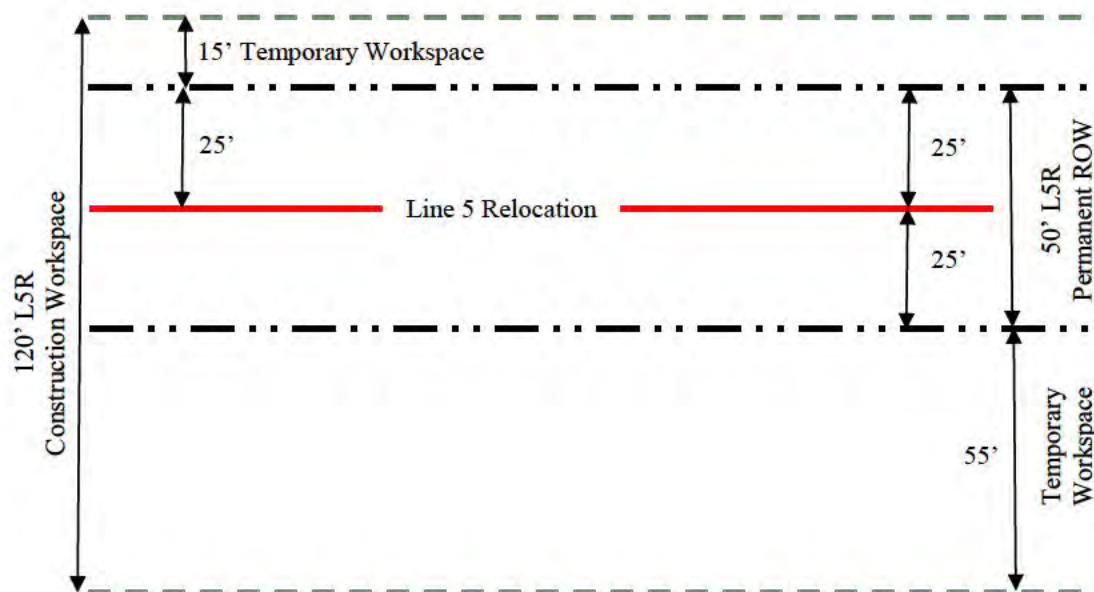


Figure 3.1.1-1: Typical Construction Workspace—Uplands

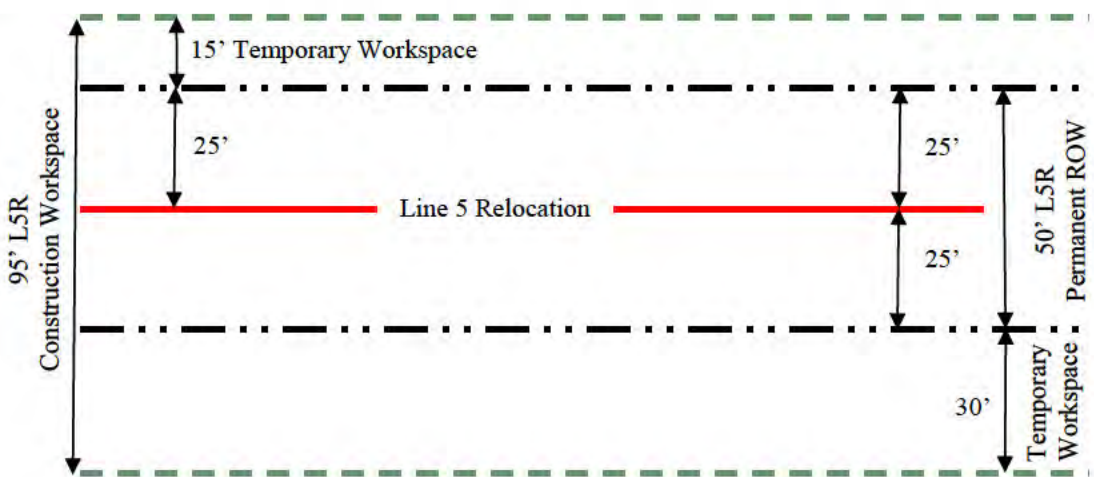


Figure 3.1.1-2: Typical Construction Workspace—Wetlands

### 3.1.2 Additional Temporary Workspace Areas

Additional temporary workspace (“ATWS”) areas are generally necessary where the proposed route crosses features such as waterbodies, wetlands, roads, railroads, and existing pipelines and utilities. These ATWS areas are construction areas that are temporarily necessary outside the typical construction right-of-way to stage equipment, stockpile spoil material, and conduct material fabrication and assembly. Table 3.1.2-1 below provides the typical dimensions used for ATWS. Enbridge identified known ATWS areas on its Project route maps (refer to Attachment A and B). In some cases, due to site-specific conditions, ATWS may be sited within wetland boundaries.

**Table 3.1.2-1: Typical Dimensions of Additional Temporary Workspaces**

<b>Feature</b>	<b>Dimensions on Each Side of Feature <sup>a</sup></b>
Open-Cut Road Crossings	150 feet by 50 feet
Bored Road and Railroad Crossings	150 feet by 50 feet
Foreign Pipeline and Utility Crossings	150 feet by 50 feet
Horizontal Directional Drill	200 feet by 100 feet
Waterbody Crossings	150 feet by 50 feet
Wetland Crossings	150 feet by 50 feet
Notes:	
<sup>a</sup> Areas are in addition to the typical 120-foot-wide construction right-of-way.	

### 3.1.3 Access Roads

Enbridge typically uses existing public and private roads to access the right-of-way and facilities to the extent practicable to limit impacts attributed to construction of new temporary roads. However, Enbridge identified areas where new temporary access roads will be necessary for equipment, material deliveries, and personnel access. In these areas, Enbridge will obtain applicable landowner and regulatory approvals prior to using the new access road. Table 3.1.3-1 includes a list of currently proposed access roads.

**Table 3.1.3-1: Proposed Access Roads**

<b>Access Road ID</b>	<b>County (ies)</b>	<b>Approximate Milepost (Intersects with Pipelines)</b>	<b>Length (miles)</b>	<b>Temporary/Permanent</b>	<b>Public/Private Road</b>	<b>Improvements</b>
001	Ashland	0.0	0.4	Temporary	Both	Existing, Improvements needed
002	Ashland	0.3	0.6	Temporary	Private	Existing, Improvements needed
RSV2	Ashland	2.5	<0.1	Permanent	Both	Improvements needed
201	Ashland	2.7	0.3	Temporary	Private	Existing, Improvements needed
201.01	Ashland	3.7	0.2	Temporary	Private	Existing, Improvements needed
201.02	Ashland	3.9	0.5	Temporary	Both	Existing, Improvements needed
204	Ashland	4.7	0.8	Temporary	Private	Existing, Improvements needed
203	Ashland	4.8	0.4	Temporary	Private	Existing, Improvements needed
202	Ashland	5.0	0.4	Temporary	Private	Existing, Improvements needed
013	Ashland	6.0	0.3	Temporary	Both	Existing, Improvements needed
014	Ashland	6.9	0.4	Temporary	Private	Existing, Improvements needed
015	Ashland	7.6	0.2	Temporary	Private	Existing, Improvements needed
016	Ashland	8.0	0.2	Temporary	Both	Existing, Improvements needed
017	Ashland	8.5	0.1	Temporary	Private	Existing, Improvements needed
018	Ashland	8.8	0.1	Temporary	Private	Existing Approach, Improvements needed
019	Ashland	9.3	0.1	Temporary	Private	Existing Approach, Improvements needed
020	Ashland	10.3	0.2	Temporary	Private	Existing Improvements needed

ENBRIDGE LINE 5 WISCONSIN SEGMENT RELOCATION PROJECT  
WATER RESOURCES APPLICATION FOR PROJECT PERMITS – SUPPLEMENTAL INFORMATION  
FEBRUARY 2020

Access Road ID	County (ies)	Approximate Milepost (Intersects with Pipelines)	Length (miles)	Temporary/ Permanent	Public/Private Road	Improvements
RSV3	Ashland	10.5	<0.1	Permanent	Both	Improvements needed
021	Ashland	11.1	0.4	Temporary	Private	Existing, Improvements needed
021.01	Ashland	11.3	<0.1	Temporary	Private	New, Improvements needed
022	Ashland	11.4	<0.1	Temporary	Private	Existing Approach, Improvements needed
023	Ashland	12.3	0.5	Temporary	Private	Existing, Improvements needed
024	Ashland	12.7	0.2	Temporary	Private	Existing Approach, Improvements needed
025	Ashland	13.3	0.1	Temporary	Private	Existing, Improvements needed
026	Ashland	13.8	0.1	Temporary	Private	Existing, Improvements needed
027	Ashland	14.3	<0.1	Temporary	Private	Existing, No Improvements needed
028	Ashland	14.5	0.1	Temporary	Private	Existing Approach, Improvements needed
RSV4	Ashland	15.3	<0.1	Permanent	Both	Improvements needed
029	Ashland	15.8	0.1	Temporary	Private	Existing, No Improvements needed
030	Ashland	16.6	0.1	Temporary	Private	Existing, Improvements needed
031	Ashland	16.9	0.1	Temporary	Private	Existing, Improvements needed
032	Ashland	17.1	<0.1	Temporary	Private	New, Improvements needed
034	Ashland	18.5	0.2	Temporary	Private	Existing, Improvements needed
040.01	Ashland	19.4	0.6	Temporary	Both	Existing, Improvements needed
042	Ashland	19.8	0.8	Temporary	Both	Existing, Improvements needed
039	Ashland	20.3	1.2	Temporary	Both	Existing, Improvements needed
043	Ashland	20.5	0.2	Temporary	Private	Existing, Improvements needed
044	Ashland	20.5	<0.1	Temporary	Private	Existing, Improvements needed
045	Ashland	20.6	0.5	Temporary	Private	Existing, Improvements needed
046	Ashland	21.2	0.2	Temporary	Private	Existing, Improvements needed
047	Ashland	21.7	0.2	Temporary	Both	Existing, Improvements needed
048	Ashland	21.9	0.2	Temporary	Private	Existing, Improvements needed
049	Ashland	22.4	0.2	Temporary	Private	Existing, Improvements needed
050	Ashland	22.7	0.1	Temporary	Private	Existing, Improvements needed
050.01	Ashland	23.0	0.1	Temporary	Private	Existing, Improvements needed
050.02	Ashland	23.4	0.5	Temporary	Both	Existing, Improvements needed
050.03	Ashland	23.6	0.1	Temporary	Private	Existing, Improvements needed
051.01	Ashland	23.7	0.3	Temporary	Both	Existing, Improvements needed
052	Ashland	23.9	0.1	Temporary	Private	Existing, Improvements needed
053	Ashland	24.0	0.1	Temporary	Private	Existing, Improvements needed
054	Ashland	24.0	0.1	Temporary	Private	Existing, Improvements needed
055	Ashland	24.2	0.1	Temporary	Private	Existing, Improvements needed
056	Ashland	24.5	0.1	Temporary	Both	Existing, Improvements needed
057	Ashland	24.5	<0.1	Temporary	Both	Existing, Improvements needed
058	Ashland	24.8	0.1	Temporary	Both	Existing, Improvements needed
060	Ashland	25.5	0.3	Temporary	Private	Existing, Improvements needed
061	Ashland	25.8	0.2	Temporary	Private	Existing, Improvements needed
062	Ashland	26.0	0.1	Temporary	Private	Existing, Improvements needed
063	Ashland	27.0	0.3	Temporary	Private	Existing, Improvements needed
064	Ashland	27.5	<0.1	Temporary	Private	Existing, Improvements needed
065	Ashland	27.8	0.1	Temporary	Private	Existing Approach, Improvements needed
066	Ashland	28.0	<0.1	Temporary	Private	Existing, Improvements needed
067	Ashland	28.1	0.1	Temporary	Private	Existing, Improvements needed
068	Ashland	28.5	0.3	Temporary	Private	Existing, Improvements needed
069	Ashland	28.7	0.4	Temporary	Private	Existing, Improvements needed

ENBRIDGE LINE 5 WISCONSIN SEGMENT RELOCATION PROJECT  
WATER RESOURCES APPLICATION FOR PROJECT PERMITS – SUPPLEMENTAL INFORMATION  
FEBRUARY 2020

Access Road ID	County (ies)	Approximate Milepost (Intersects with Pipelines)	Length (miles)	Temporary/ Permanent	Public/Private Road	Improvements
070	Ashland	29.3	0.3	Temporary	Private	Existing, Improvements needed
071	Ashland	29.8	0.5	Temporary	Private	Existing, Improvements needed
072	Ashland	29.9	0.5	Temporary	Private	Existing, Improvements needed
073	Iron	30.7	0.1	Temporary	Public	Existing, Improvements needed
075	Iron	31.9	0.3	Temporary	Public	Existing, Improvements needed
	Ashland, Iron	32.3	1.6	Temporary	Both	Existing, Improvements needed
076						
074	Iron	32.3	1.9	Temporary	Public	Existing, Improvements needed
078	Iron	32.4	0.3	Temporary	Public	Existing, Improvements needed
077	Iron	32.5	0.4	Temporary	Public	Existing, Improvements needed
	Ashland, Iron	32.6	1.2	Temporary	Both	Existing, Improvements needed
079						
080	Iron	32.9	1.0	Temporary	Public	Existing, Improvements needed
	Ashland, Iron	32.9	0.1	Temporary	Public	Existing, Improvements needed
081						
RSV5	Iron	33.1	0.3	Temporary	Both	Improvements needed
	Ashland, Iron	33.1	2.4	Temporary	Both	Existing, Improvements needed
082						
083	Iron	33.7	0.7	Temporary	Public	Existing, Improvements needed
084	Iron	34.2	1.3	Temporary	Both	Existing, Improvements needed
086	Iron	34.9	1.3	Temporary	Both	Existing, Improvements needed
085	Iron	35.0	2.5	Temporary	Both	Existing, Improvements needed
085.01	Iron	36.3	1.1	Temporary	Public	Existing, Improvements needed
088	Iron	36.3	1.1	Temporary	Public	Existing, Improvements needed
087	Iron	36.4	0.2	Temporary	Public	Existing, Improvements needed
089	Iron	36.7	1.6	Temporary	Both	Existing, Improvements needed
091	Iron	36.9	0.1	Temporary	Public	Existing, Improvements needed
090	Iron	37.0	0.6	Temporary	Public	Existing, Improvements needed
092	Iron	37.5	1.5	Temporary	Both	Existing, Improvements needed
093	Iron	37.9	0.3	Temporary	Both	New, Improvements needed
094	Iron	37.9	<0.1	Temporary	Both	Existing, Improvements needed
095	Iron	38.6	0.2	Temporary	Private	New, Improvements needed
096	Iron	39.1	0.5	Temporary	Both	Existing, Improvements needed
097	Iron	39.2	1.2	Temporary	Both	Existing, Improvements needed
098	Iron	39.3	0.6	Temporary	Private	Existing, Improvements needed
099	Iron	39.8	0.3	Temporary	Private	Existing, Improvements needed
100	Iron	39.9	0.2	Temporary	Private	Existing, Improvements needed
101	Iron	40.3	0.1	Temporary	Private	Existing, Improvements needed
102	Iron	40.8	0.3	Temporary	Both	Existing, Improvements needed
103	Iron	40.9	0.1	Temporary	Private	Existing, Improvements needed
104	Iron	41.0	0.3	Temporary	Private	Existing, Improvements needed
RSV1	Bayfield	N/A	0.1	Permanent	Both	Improvements needed

Enbridge may leave newly constructed temporary roads and existing private roads upgraded for use by the Project intact through mutual agreement with the landowner unless otherwise restricted by federal, state, or local regulations. Where temporary access roads are removed, the area will be restored as near as practicable to the original conditions and seeded and stabilized pursuant to the Project's Environmental Protection Plan ("EPP"). Enbridge's EPP outlines construction-related environmental policies, procedures,

and protection measures Enbridge developed as a baseline for construction. Enbridge developed this EPP based on its experience implementing best management practices during construction, as well as the Federal Energy Regulatory Commission’s Upland Erosion Control, Revegetation, and Maintenance Plan (May 2013 Version) and Wetland and Waterbody Construction and Mitigation Procedures (May 2013 Version). It is intended to meet or exceed federal, state, and local environmental protection and erosion control requirements, specifications, and practices. The EPP addresses typical circumstances that may occur along the Project. Project-specific permit conditions and/or landowner agreements may supersede the general practices described in the EPP. Enbridge’s EPP is included in the Environmental Information Report as Attachment D (the Environmental Information Report has been included as a separate enclosure).

Enbridge will coordinate the use of private roads with the landowners and the use of public roads with the appropriate county or state road authority.

### **3.1.4 Pipe Storage and Contractor Yards**

During construction, Enbridge will temporarily use off-right-of-way areas for pipe and materials storage. In addition, construction contractors will require off-right-of-way contractor yards to park equipment and stage construction activities.

Enbridge has identified two pipe yards or contractor yards (refer to Attachment A and B). Enbridge may identify additional pipe yards and contractor yards as the Project planning and engineering progresses. Enbridge considers sensitive environmental features when planning the placement and use of these pipe yards to prevent impacts. Enbridge and/or the Contractor will lease the sites and will restore them upon the completion of the Project unless the landowner and applicable agencies otherwise permit or authorize.

### **3.1.5 Aboveground Facilities**

Enbridge proposes to install five mainline block valves as part of the Project. Each proposed mainline block valve site will be approximately 0.13 acre in size and will include an associated access road. Preliminary mainline valve locations are shown on the Project route maps (refer to Attachment A and B)

Additionally, Enbridge will make minor modifications to the Ino Pump Station at the existing facility. These modifications will include installation of a new 20-foot by 8-foot skid containing two new drag reducing agent storage tanks, tank mixers, and associated appurtenances. No other aboveground facilities are required for the Project.

### **3.1.6 Cathodic Protection and AC Mitigation**

Enbridge proposes to install a cathodic protection and AC mitigation system on the new pipeline segment. This cathodic protection system would apply a small electric current to the pipeline, which would induce corrosion of a remote, sacrificial anode and inhibit corrosion of the steel comprising the pipeline. AC Mitigation protects the pipeline from potential stray voltage associated with overhead powerlines. Workspace associated with installation of cathodic protection and AC mitigation system is shown on the Project route maps (refer to Attachment A and B).

## **4.0 ALTERNATIVES**

While NR 150.03(2) defines “alternatives” as “other actions or activities which may be reasonably available to achieve the same or altered purpose of the proposed action or project, including the alternative of no action,” a “practicable alternative” is defined in Wisconsin Administrative Code § NR 103.07(2) and § NR

350.03(23) as one “available and capable of being implemented after taking into consideration cost, available technology and logistics in light of overall project purpose.” Accordingly, Enbridge evaluated practicable alternatives to determine whether the Project would avoid or minimize impacts on natural resources, reduce or eliminate engineering and constructability concerns, and avoid or minimize conflicts with existing or proposed residential and agricultural land uses.

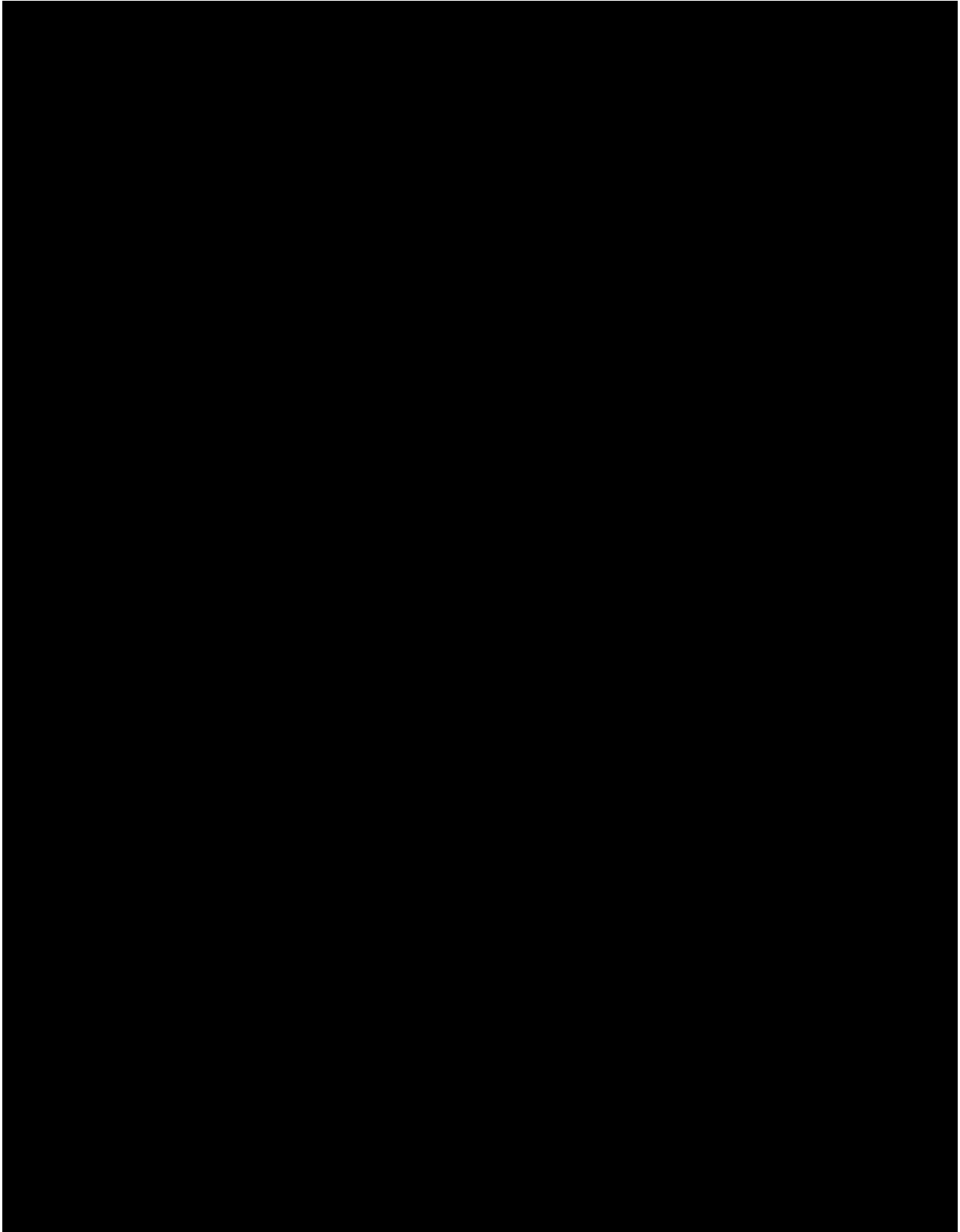
Enbridge identified and evaluated alternatives to the Project to determine whether the alternatives would be available, reasonable, environmentally preferable, and still fulfill the purpose of the Project. These alternatives include the No-Action Alternative, system alternatives, and route alternatives. Enbridge used the following criteria for considering alternatives:

- Ability to meet the Project purpose and need;
- Significant environmental advantages over the Project; and
- Technical and economic feasibility.

Not all conceivable alternatives have the ability to meet the Project purpose and need. Enbridge will not pursue an alternative that does not meet the Project purpose and need. In addition, not all conceivable alternatives are technically or economically feasible. Some alternatives may be impractical because they are unavailable and/or cannot be implemented after taking into consideration costs and logistics in light of the overall Project purpose. Enbridge focused its analysis on those alternatives that may reduce impacts and/or offer substantial environmental advantages without merely transferring impacts from one area or group of landowners to another.

Enbridge conducted a detailed quantitative analysis of environmental impacts for each of the route alternatives in accordance with Wisconsin Administrative Code §NR 103.07(2) and Wisconsin Administrative Code §NR 350.03(23). Figure 4.0-1 depicts the route alternatives that Enbridge evaluated. A summary of the route alternative comparisons are presented in Table 4.0-1. The full alternatives analysis is presented in the Section 3.0 of the Environmental Information Report. The analysis uses sources of publicly available environmental data to compare a variety of factors, including:

- Wetlands;
- Forested areas;
- Highly wind erodible soils;
- Agricultural land;
- Perennial waterbodies;
- State, County, or Municipal Forest;
- Sensitive species;
- Area of Special Natural Resource Interest; and
- Roads and railroads crossed.



**Figure 4.0-1: Overview of Route Alternatives**

ENBRIDGE LINE 5 WISCONSIN SEGMENT RELOCATION PROJECT  
WATER RESOURCES APPLICATION FOR PROJECT PERMITS – SUPPLEMENTAL INFORMATION  
FEBRUARY 2020

**Table 4.0-1: Environmental Features Comparison—Route Alternatives <sup>a</sup>**

Environmental Features	Unit	Proposed Route <sup>a</sup> : 41.1 miles Route Corridor <sup>b</sup> : 597.7 acres	Route Alternative RA-01	Route Alternative RA-02 <sup>a</sup>	Route Alternative RA-03 <sup>a</sup>
			Route Length: 29.3 miles Route Corridor <sup>b</sup> : 456.5 acres	Route Length: 57.6 miles Route Corridor <sup>b</sup> : 843.6 acres	Route Length: 100.5 miles Route Corridor <sup>b</sup> : 1,476.9 acres
Wetland Crossing Length—WWI	miles	4.1	5.3	6.5	26.2
Wetland Crossed—NWI					
PEM	acres	2.1	1.7	1.1	7.7
PSS	acres	2.0	2.1	9.9	50.6
PFO	acres	25.6	22.3	40.2	304.5
Wetland Crossed—WWI					
emergent/wet meadow	acres	2.5	7.8	8.7	7.0
scrub/shrub	acres	2.6	2.0	2.0	21.7
forested	acres	49.4	46.4	57.4	260.8
State-Listed Species Occurrences <sup>c</sup>	number	25	14	87	85
Migratory Bird Concentration Areas	number	2	1	0	0
Agricultural Land <sup>d</sup>	acres	196.2	29.8	55.1	2.4
Coniferous Forest <sup>d</sup>	acres	54.1	56.5	69.0	387.4
Broad-leaved Deciduous Forest <sup>d</sup>	acres	305.3	222.8	488.2	655.7
Prime and Statewide Importance Farmland Soils	miles	11.7	13.9	15.1	16.6
Hydric Soils	miles	2.4	1.6	5.0	25.4
Highly Wind Erodible Soils	miles	6.2	4.3	2.7	28.5
Intermittent Waterbody Crossings— WDH	number	41	29	38	9
Perennial Waterbody Crossings— WDH	number	17	13	36	38
Designated Trout Stream Crossings	number	17	12	20	25
WDNR Priority Navigable Waterways Crossings	number	16	15	21	17
Wild and Scenic Rivers	number	0	0	0	1
Wild Rice Production Areas	number	0	0	0	0
Areas of Special Natural Resource Interest Crossings (WDNR owned)	number	0	1	0	1
Federal, County, and State-Owned Lands	acres	108.6	34.7	21.3	875.7
WDNR-Owned Lands	miles	0	0.7	0	0.1
County Forest Land	miles	7.4	<0.1	0	4.1
Railroad Crossings	number	4	2	1	1
Road Crossings <sup>e</sup>	number	35	37	50	98
<p>Notes:</p> <p><sup>a</sup> Centerline length.</p> <p><sup>b</sup> A standard 120 foot corridor was used for each route comparison</p> <p><sup>c</sup> Based on NHI data review, includes state threatened and endangered species.</p> <p><sup>d</sup> Wisconsin 2 Land Cover Data (WDNR 2019a).</p> <p><sup>e</sup> Includes county and local roads, and state and U.S. highways.</p> <p>NLCD2011 = National Land Cover Database 2011; WDH = Wisconsin 24K Hydrography; NHI = Natural Heritage Inventory; NWI = National Wetlands Inventory; PEM = Palustrine Emergent; PFO = Palustrine Forested; PSS = Palustrine Scrub-Shrub; WDNR = Wisconsin Department of Natural Resources; WWI = Wisconsin Wetland Inventory</p>					

## 5.0 WATERBODIES AND WETLANDS

The Project will require installation of the pipeline across wetlands and waterbodies. Project activities will also include the installation of temporary bridge crossings over waterbodies for the purpose of moving construction equipment across the feature and the installation of the pipeline beneath the bed of the waterbody. Temporary bridges may also be needed for select access roads.

Enbridge requests the following permits and approvals for the Project:

- Section 404 Clean Water Act / National Environmental Policy Act review
- Temporary Bridges (Wis. Stat. §30.123);
- Grading (Wis. Stat. §30.19);
- Utility Crossing (Wis. Stat. § 30.20 and 30.12);
- Individual Wetland Permit (Wis. Stat. § 281.36); and
- Water Quality Certifications (NR 103 and 299).

Enbridge completed wetland and waterbody surveys on approximately 70 percent of the proposed Project work areas during fall of 2019. Enbridge used Wisconsin Wetland Inventory, National Hydrography Dataset, and WDNR 24K Hydrography data in areas where surveys were not completed in 2019. Enbridge will complete remaining surveys in the spring of 2020 and will provide agency updates as the information is available. The waterbody and wetland delineation report for the 2019 surveys is provided as Attachment C.

### 5.1 WATERBODY CROSSINGS

Field investigators classified each waterbody (perennial, intermittent, or ephemeral) on-site, including a review of topographic maps, and other published data. A summary of waterbodies crossed by the Project is provided in Table 5.1-1. Attachment D includes a waterbody crossing table with the specific crossing methods Enbridge proposes to implement. Waterbody locations based on either field delineated information or WDNR 24K hydrography data are shown on the aerial maps provided as Attachment B. WDNR 24K Hydrography waterbodies was used where surveys are pending.

**Table 5.1-1: Summary of Waterbodies Crossed by the Project**

<b>Waterbody Regime</b>	<b>Number</b>
<b>Delineated Waterbodies</b>	
Perennial	31
Intermittent	36
Ephemeral	62
<b>WDNR 24K Waterbodies</b>	
Perennial	17
Intermittent	36
Ephemeral	0
<b>PROJECT TOTAL</b>	<b>182</b>
Notes: WDNR 24K Hydrography data	

### 5.1.1 General Impacts and Mitigation

Pipeline construction across waterbodies could result in short-term or long-term impacts. Installation of a pipeline across a stream or river can temporarily displace stream bottom sediments and increase erosion of soils adjacent to the waterbody. The magnitude and duration of these effects depends on the soils and topography of the site, and the proposed crossing method. Construction (including instream blasting, where necessary) could also change the stream bottom profile, resulting in increased siltation or erosion at the site or further downstream. Enbridge developed the measures outlined in the EPP to minimize short- and long-term impacts on the waterbodies during and following pipeline construction.

Long-term impacts on water quality could result from alteration of stream banks and removal of riparian vegetation. Soil erosion associated with surface runoff and stream bank sloughing could also result in the deposition of sediments in waterbodies. Removal of riparian vegetation could lead to increased light penetration into the waterbody, causing increased water temperature which could potentially impact fisheries.

Enbridge would avoid and minimize impacts on waterbodies by implementing measures described in its EPP. Enbridge would also limit the duration of construction equipment operation within waterbodies to the area necessary to complete the crossing. Enbridge will restore and stabilize disturbed areas at crossings as soon as practical after pipeline installation.

Operation and maintenance of the Project would not be expected to result in long-term effects on water quality. Enbridge would periodically inspect the pipeline right-of-way and perform routine removal of brush and trees; however, little disturbance is expected within the permanent right-of-way.

## 5.2 WETLAND CROSSINGS

Enbridge based the wetland delineations on the criteria and methods outlined in:

- the *United States Army Corps of Engineers Wetlands Delineation Manual*, Technical Report Y-87-1 (1987) and subsequent guidance documents (COE 1991, 1992);
- Guidelines for Submitting Wetland Delineations in Wisconsin to the St. Paul District Corps of Engineers (COE 1996);
- the *Basic Guide to Wisconsin's Wetlands and their Boundaries* (Wisconsin Department of Administration Coastal Management Program 1995); and,
- Applicable Regional Supplements to the Corps of Engineers Wetland Delineation Manual.

The Project will cross Palustrine Emergent (“PEM”) wetlands, Palustrine Scrub-Shrub (“PSS”) wetlands, and Palustrine Forested (“PFO”) wetlands. PEM wetlands within the proposed Project area typically include vegetation species such as sedges, Canada bluejoint grass (*Calamagrostis canadensis*), orange jewelweed (*Impatiens capensis*), asters (*Asteraceae* spp.), boneset (*Eupatorium perfoliatum*), rough bedstraw (*Galium asprellum*), marsh fern (*Thelypteris palustris*), arrow-leaved tearthumb (*Persicaria sagittata*), and sensitive fern (*Onoclea sensibilis*).

PSS wetlands in the Project area typically include speckled alder (*Alnus incana*), red-osier dogwood (*Cornus sericea*), willows (*Salix* spp.), and several minor shrub components. Herbaceous vegetation consists of a mix of sedges, cattails, or other hydrophytic species common to emergent wetlands. Widely scattered small, ephemeral pools support a variety of emergent hydrophytes.

PFO wetlands in the Project area are primarily black ash (*Fraxinus nigra*) dominated depressions within the hardwood uplands, discrete aspen groves within shrub-carr wetlands, or isolated hardwoods and conifers in better drained areas adjacent to incised drainageways. Black ash also occurs as a fringe or minor component to larger wetland complexes or as isolated stunted specimens within some wetlands.

Enbridge has completed wetland delineations during the 2019 survey season on approximately 70 percent of the Project route. Wetland delineations will be completed on the remaining locations in 2020. Wetland locations are shown on the aerial maps provided as Attachment B. Wetland locations are based on either field delineated information or Wisconsin Wetland Inventory (“WWI”) data. WWI data was used where surveys are pending due to access permission or other constraints.

Enbridge is submitting a delineation report including representative photographs, data sheets, and maps as Attachment C, and has begun wetland consultation with the WDNR (see Attachment E). Attachment F includes a wetland crossing table identifying Project impacts. Attachment G provides soil survey information for the Project route using the Soil Survey Geographic Database (“SSURGO”). The SSURGO database is a digital version of the original county soil surveys developed by the Natural Resources Conservation Service for use with GIS.

The Project will require permanent fill of less than 0.1 acre of PEM wetland associated with the installation of two mainline block valves near MP 33.09 and MP 2.53, respectively. A summary of wetlands crossed by the Project is provided in Table 5.2-1.

**Table 5.2-1: Summary of Project Wetland Impacts**

<b>Wetland Type <sup>a</sup></b>	<b>Temporary Impacts (acres) <sup>b</sup></b>	<b>Permanent Conversion (acres) <sup>c</sup></b>	<b>Permanent Fill (acres) <sup>d</sup></b>
<b>Delineated Wetlands</b>			
PEM	25.6	0	<0.1
PFO	47.1	20.2	0
PSS	8.5	1.7	0
<b>WWI Wetlands</b>			
PEM	4.1	0	0
PFO	22.2	7.4	0
PSS	1.2	0.3	0
Open Water	0.3	0	0
<b>PROJECT TOTAL <sup>e</sup></b>	<b>109.0</b>	<b>29.6</b>	<b>&lt;0.1</b>
Notes:			
<sup>a</sup> Delineated wetlands are based on 2019 field surveys, and where surveys were unable to be completed, WWI wetland data was used for calculations.			
<sup>b</sup> Includes temporary impacts associated with pipeline workspace, access roads, and pipe yards.			
<sup>c</sup> Permanent conversion impacts include acreage within PFO and PSS wetlands that will be maintained as PEM within the permanent right-of-way.			
<sup>d</sup> Permanent fill impacts include wetland acreage that will be impacted by construction of permanent aboveground structures and an associated access road.			
<sup>e</sup> The sum of the addends may not equal the totals in all cases due to rounding.			
PEM = Palustrine Emergent; PSS=Palustrine Scrub Shrub; PFO = Palustrine Forested; Cowardin et al. 1979.			

### 5.2.1 General Impacts and Mitigation

The primary impact of pipeline construction and right-of-way maintenance activities on wetlands will be the temporary removal of wetland vegetation. Construction also will temporarily diminish the recreational

and aesthetic value of the wetlands crossed. These effects will be greatest during and immediately following construction. In emergent wetlands, the impact of construction will be relatively brief, since herbaceous vegetation will typically regenerate within one or two seasons. In forested and shrub-dominated wetlands, the impact will last longer due to the longer recovery period of these vegetation types. Clearing of wetland vegetation will also temporarily remove or alter wetland wildlife habitat.

Typical pipeline construction in most wetlands will be similar to construction in uplands and will consist of clearing, trenching, dewatering, installation, backfilling, cleanup, and revegetation. However, due to the unstable nature of some wetland soils, construction activities may differ somewhat from standard upland procedures. Additional details are provided in the Environmental Information Report and Enbridge's EPP.

### **5.2.2 Wetland Mitigation**

To the maximum extent practicable, Enbridge will restore affected wetlands to preconstruction conditions, which is considered in-place compensation, but not in-kind and not in-advance. Enbridge is proposing to provide compensatory wetland mitigation for unavoidable Project-related wetland type permanent fill and conversion of scrub-shrub and forested wetlands as well as temporal loss. In applying the in-kind and in-advance factors, Enbridge proposes to use baseline compensation ratios for impacts to emergent, forested, and scrub-shrub wetland types used for previous Enbridge pipeline projects. Enbridge will continue to work with the WDNR and the USACE to consider additional factors that may result in adjustment of baseline compensation ratios. The WDNR Mitigation Summary Worksheet has been included in Attachment H.

Enbridge proposes to use USACE/WDNR approved Compensatory Mitigation Banks and potentially the Wisconsin Wetland Conservation Trust in-lieu fee program to compensate for unavoidable Project wetland impacts. Before deciding to propose use of the in-lieu fee program, Enbridge reviewed the USACE Regulatory In-lieu Fee and Bank Information Tracking System for available wetland mitigation bank options. Based on this information, Enbridge determined there are potential wetland mitigation bank credits available in the Poplar River Mitigation Bank that could at least partially satisfy likely Project compensatory mitigation requirements.

The Project will cross the following hydrologic unit codes ("HUC" 8) in the Lake Superior and Chippewa Bank Service Area in Ashland and Iron Counties:

- 04010301; Beartrap-Nemadji
- 04010302; Bad-Montreal

The Lake Superior Service Area and Chippewa Bank Service Area watersheds, as defined in the in-lieu fee program, are consistent with those utilized for mitigation banking and permittee responsible mitigation. By providing compensatory mitigation within the same Bank Service Area, the Project will meet the goal of providing mitigation "in-place."

## **6.0 PROTECTED SPECIES**

Enbridge initiated coordination on the Project with the Green Bay Ecological Services Field Office (Region 3) of the U.S. Fish and Wildlife Service ("USFWS") in September 2019. The USACE will initiate Section 7 informal consultation for the Project. Informal consultations with USACE, USFWS, and Enbridge will continue throughout 2020.

Enbridge conducted preliminary habitat assessments in 2019. Additional surveys will be completed in 2020, pending continued USFWS and WDNR coordination. Enbridge submitted an Environmental Review Request to WDNR on January 15, 2020. The Environmental Review Request and WDNR's response are included as Attachment I.

Enbridge will continue to consult with the USFWS and the WDNR on the status of mitigation strategies for protected species. If Enbridge identifies any of these species in the Project area during surveys, it will work with the respective agencies to develop mitigation plans to avoid or minimize impacts on the potentially affected species.

## **7.0 CULTURAL RESOURCES**

Enbridge has completed cultural resource surveys during the 2019 survey season on approximately 70 percent of the Project route. Enbridge will complete Phase I surveys of the Project area to identify archaeological sites and historic standing structures, to evaluate these sites regarding National Register of Historic Properties ("NRHP") eligibility, and to assess impacts (Attachment J). Enbridge will complete additional surveys in 2020 and evaluate any archaeological sites, standing structure sites and gather sufficient information to make a recommendation regarding NRHP eligibility.

## **8.0 LAND OWNERSHIP**

The Project route predominantly crosses private lands located outside of municipal areas. The Project will not cross federal, state, or Native American Reservation owned/managed land. Currently a proposed temporary access road crosses one parcel owned by the WDNR; however, Enbridge is reconfiguring this road to remove it from WDNR lands. The Project will cross approximately 7 miles of land owned by Iron County and managed for forest products. Enbridge will work with the municipalities to obtain all applicable permits. Construction activities through county forestland could temporarily disrupt recreational uses on and adjacent to the right-of-way. Enbridge will work with local, state, and federal agencies to minimize potential impacts associated with construction across county forestland. Enbridge conducted a 40-year title history review of properties potentially affected by the Project to identify land restrictions associated with conservation agreements, such as Conservation Reserve Program, Conservation Reserve Enhancement Program, or Wetland Reserve Program. Enbridge is working with the individual landowners regarding these conservation agreements and the potential Project effect to those properties.

As discussed above, Enbridge is committed to working with and providing information to landowners about the Project and keeping them informed throughout all phases of the Project. Enbridge notified affected landowners of the Project by mail. In addition, Enbridge's Land Agents are contacting affected landowners to discuss the Project, acquire survey permission, establish easement options, and document specific concerns they may have. Enbridge will maintain close contact with the landowners along the route before, during, and after construction.

A listing of the landowners along the Project route is provided as Attachment K.

## **9.0 PERMITTING REQUIREMENTS**

Table 7.0-1 provides the status of the required local, state, and federal permits for the Project.

**Table 7.0-1: Preliminary List of Government Authorities and Titles of Permits/Approvals**

<b>Name of Agency</b>	<b>Title of Permit/Approval</b>	<b>Date of Application / Consultation <sup>a</sup></b>	<b>Anticipated Date of Decision</b>	<b>Status</b>
United States Army Corps of Engineers—St. Paul District	Clean Water Act Section 404	February 2020		In progress
United States Fish and Wildlife Service	Endangered Species Act Consultation	Summer 2020		In progress
Public Service Commission of Wisconsin	Public Interest Determination	February 2020		In progress
Wisconsin Department of Natural Resources	Chapter 30 Permit / NR 103 Water Quality Certification	February 2020		In progress
	NR 150 Wisconsin Environmental Policy Act Compliance (joint review with the Line 5 Pipeline Project)	February 2020		In progress
	State Endangered Resources Review / Incidental Take Permit (joint review with the Line 5 Pipeline Project)	January 2020		In progress
	Temporary Water Use Permit	Summer 2020		
	Hydrostatic Test Discharge Permit	Summer 2020		
	WPDES General Construction Stormwater Permit—Pipeline Construction	Summer 2020		
Wisconsin Historical Society—State Historic Preservation Officer (Section 106)	Cultural Resources Consultation, NHPA Section 106 Clearance	Fall 2019		In progress
Wisconsin Department of Agriculture	Agricultural Protection Plan	Fall 2019		In progress
Wisconsin Department of Administration	Coastal Zone Management Federal Consistency Review	February 2020		In progress
Wisconsin Department of Transportation	Road Crossing Permits	Summer 2020		
Notes:				
<sup>a</sup> NHPA = National Historic Preservation Act; WPDES = Wisconsin Pollutant Discharge Elimination System				

## 10.0 AGENCY REVIEW

Enbridge understands that the WDNR plans to issue a notice of intent to prepare an Environmental Impact Statement (“EIS”) and that the WDNR may request third-party support for development of the EIS. Enbridge will work with the WDNR regarding development of the EIS using third-party support.

**ATTACHMENTS AVAILABLE UPON REQUEST**



STATE OF WISCONSIN  
DEPARTMENT OF ADMINISTRATION

Tony Evers, Governor  
Joel Brennan, Secretary  
Dawn Vick, Division Administrator

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March 24, 2020

Cathryn Hanson  
Enbridge Energy, Limited Partnership  
11 East Superior Street, Suite 125  
Duluth, MN 55812

RE: Wisconsin Coastal Management Program; Federal Consistency Certification  
Enbridge Energy, Limited Partnership – Line 5 Wisconsin Segment Replacement  
Project Water Resources Application for Project Permits

Ms. Hanson:

Thank you for contacting the Wisconsin Coastal Management Program (WCMP) about Enbridge Energy, Limited Partnership's Water Resources Application for Project Permits and the associated federal consistency inquiry. Through its federal consistency process, WCMP reviews federally-affiliated projects that may affect coastal resources. Because there is federal involvement through permitting and the project will affect coastal resources (Wisconsin's Coastal Zone goes to the county line), the project is subject to federal consistency review.

I have looked over the materials that were submitted to WCMP and discussed the water quality certification with staff at the Wisconsin Department of Natural Resources (WDNR). At this point, we do not have enough information to respond to your federal consistency determination. I expect that, at least for the water quality certification portion of the project, most of the information we will need will come out in your consultation with WDNR. As you noted, WDNR plans to issue a notice of intent to prepare an Environmental Impact Statement. Information that is developed through the EIS may be relevant to WCMP's coastal policies.

WCMP's coastal policies are included in our program document which is available on our website, <https://coastal.wisconsin.gov>. A pdf is available for download here: [https://doa.wi.gov/DIR/Coastal Strategic-Vision-for-Great-Lakes-2007.pdf](https://doa.wi.gov/DIR/Coastal%20Strategic-Vision-for-Great-Lakes-2007.pdf)

WCMP will continue to coordinate with WDNR staff. If and when you receive water quality certification from WDNR, you may presume federal consistency concurrence, as well.

It is my understanding that there may be other federal actions (permitting) associated with the project. This letter applies only to the water quality certification portions of the project.

Please let me know if you have any questions or concerns as the project moves forward. My email address is [kathleen.angel@wisconsin.gov](mailto:kathleen.angel@wisconsin.gov). With current guidance from our administration, I am working from home for the time being. If you would like to discuss the project over the phone, please let me know and I will set up a conference line.

Sincerely,

A handwritten signature in cursive script, appearing to read "Kate Angel".

Kate Angel  
Wisconsin Coastal Management Program

cc: Dawn Vick, Wisconsin Department of Administration  
Mike Friis, Wisconsin Department of Administration  
Ben Callan, Wisconsin Department of Natural Resources  
Lindsay Tekler, Wisconsin Department of Natural Resources  
William Sande, U.S. Army Corp of Engineers  
Tracy Brunner, ERM



US Army Corps  
of Engineers®  
St. Paul District

# Public Notice

ISSUED: 20 May 2024

EXPIRES: 5 July 2024

## NOTICE OF AVAILABILITY OF DRAFT COMBINED DECISION DOCUMENT

Authorities:  
Section 404 Clean Water Act and  
Section 10 Rivers and Harbors Act

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## NOTICE OF AVAILABILITY OF DRAFT COMBINED DECISION DOCUMENT FOR THE ENBRIDGE ENERGY WISCONSIN LINE 5 RELOCATION PROPOSAL

### Notice:

The United States Army Corps of Engineers, St Paul District Regulatory Division (Corps) has published a Draft Environmental Assessment, Draft Section 404(b)(1) Guidelines Evaluation, and Draft Public Interest Review, hereafter referred to as the Draft Combined Decision Document (DCDD), for a 45-day public comment period. The public comment period will extend through 5 July 2024. The DCDD and additional information is available at [https://www.mvp.usace.army.mil/Enbridge\\_Line5-WI/](https://www.mvp.usace.army.mil/Enbridge_Line5-WI/).

The Corps is evaluating Enbridge's permit application pursuant to the Corps' statutory authorities, which include:

**Section 404 of the Clean Water Act** – for the proposed trenching and backfilling of pipeline and associated infrastructure that would result in discharges of dredged and fill material in waters of the U.S., including wetlands.

**Section 10 of the Rivers and Harbors Act of 1899** – for the proposed horizontal directional drilling and installation of pipeline under the White River, a navigable water of the U.S.

Under the authorities listed above, the Corps does not regulate the overall construction or operation of pipelines, nor does it regulate the siting of any type of pipeline, or any substance being transported within a pipeline.

### Background:

The existing Enbridge Line 5 pipeline is a 645 mile long, 30-inch diameter crude oil/natural gas liquid pipeline that has been operational since 1953. It originates at Enbridge's Superior Terminal in Superior, Wisconsin, continues through northern Wisconsin and the Upper and Lower Peninsulas of Michigan, and terminates near Sarnia, Canada. In Wisconsin, the existing Line 5 pipeline crosses Douglas, Bayfield, Ashland and Iron counties. Within Ashland County, the existing Line 5 pipeline crosses through 12 miles of the Bad River Reservation. In 2019, the Bad River Band of the Lake Superior Tribe of Chippewa Indians filed a federal lawsuit to require Enbridge to remove the 12 miles of pipeline from their reservation.

Enbridge developed the proposed Line 5 Wisconsin segment relocation project to reroute the existing Line 5 pipeline around the external boundaries of the Bad River Reservation while still maintaining current deliveries of oil and natural gas liquids. The proposed project would replace approximately 20 miles of the existing Line 5 pipeline, including approximately 12 miles of pipeline within the Bad River Reservation, with 41 miles of a new 30-inch diameter pipeline segment that would be located entirely outside the boundaries of the Bad River Reservation.

**Submitting Comments:**

The Corps invites comments to inform decision-making and any recommended measures that may result in less environmental damages or adverse effects on the human environment.

There are several ways to provide the Corps comments. All written and verbal comments received will be considered.

1. Written comments may be submitted at any time to [CEMVP-WiL5R-CDD-Comments@usace.army.mil](mailto:CEMVP-WiL5R-CDD-Comments@usace.army.mil) before the expiration date of the DCDD comment period.
2. Verbal comments may be provided during the Corps public hearing set to occur on June 4, 2024, at the Northwood Technical College, located at 2100 Beaser Avenue, Ashland, WI 54806 from 11 a.m. - 3 p.m. and 4 p.m. - 8 p.m. CST. Please visit our website at [https://www.mvp.usace.army.mil/Enbridge\\_Line5-WI/](https://www.mvp.usace.army.mil/Enbridge_Line5-WI/) for additional information regarding this hearing.
3. If you are unable to submit comments via email or participate in the hearing, you may send your written comments with a postmarked date no later than July 5, 2024, to the following address:

U.S. Army Corps of Engineers  
St. Paul District, Regulatory Division  
332 Minnesota Street, Suite E1500  
St. Paul, MN 55101-1678

If you have any questions concerning this Public Notice, please email the address shown above, or contact the Corps by phone at (651) 290-5525. Please note that comments will not be accepted via phone or voicemail.

Please note that all comments, including names and addresses, become part of the administrative record, and may be available to the public under provisions of the Freedom of Information Act.

To receive Public Notice notifications, go to: <https://www.mvp.usace.army.mil/Contact/RSS/> and subscribe to the RSS Feed for which you would like to receive Public Notices.

# Federal Consistency Public Comment Form

7/11/2024 7:59:02 AM

## Introduction

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The Wisconsin Coastal Management Program (WCMP) is conducts federal consistency reviews to verify the activities considered under a permit will comply with state coastal policies. Open comment periods will last for at least 21 days. More information on projects with an open comment period may be found at <https://coastal.wisconsin.gov>.

Refer to the [WCMP federal consistency webpage](#).

Refer to the [state's specific coastal policies](#).

## Federal Consistency Public Comment Form

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**Select a project for comment::** Line 5

The Wisconsin Coastal Management Program (WCMP), State of Wisconsin, Department of Administration, has received correspondence from the United States Army Corps of Engineers, St. Paul District Division (Corps) and Enbridge Energy, Limited Partnership, on activities associated with the construction of the proposed Line 5 Wisconsin segment relocation project. The proposed activities are subject to review for consistency under the policies of the Wisconsin Coastal Management Program (WCMP).

**Update: WCMP has extended the deadline to August 4, 2024.** Please note that, while the form had an original deadline of June 21, comments will be accepted through August 4.

The Corps conducted a public hearing on June 4 in Ashland, Wisconsin. View [more information on the public hearing](#).

WCMP will not host a separate public hearing.

**Your Name or Organization:** Jill Bedford

*Please note that providing your name or organization is not necessary or required. The State of Wisconsin will not follow up.*

**Comments::** Tell WCMP the Line 5 Reroute is Inconsistent with Wisconsin's Coastal Policies because: Enbridge does not have the required permits and has not provided enough information on the project's impacts to determine consistency with the state's coastal policies; Because Enbridge has a poor safety record and a history of oil disasters, spills are foreseeable and threaten Wisconsin's coastal areas, wildlife, trout streams, recreation, and groundwater; Flooding is a serious threat during construction of the reroute and could be exacerbated by permanent changes to how water naturally moves along the corridor. The region has seen more intense and more frequent floods due to climate change, including two devastating, 500-year floods in the last

decade; The public has not been given sufficient opportunity to voice comments and concerns. WCMP should not rely on the Army Corps process and needs to hold a separate public hearing specifically about Line 5's impacts to Wisconsin's coastal resources.

# Federal Consistency Public Comment Form

8/4/2024 8:30:40 PM

## Introduction

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The Wisconsin Coastal Management Program (WCMP) is conducts federal consistency reviews to verify the activities considered under a permit will comply with state coastal policies. Open comment periods will last for at least 21 days. More information on projects with an open comment period may be found at <https://coastal.wisconsin.gov>.

Refer to the [WCMP federal consistency webpage](#).

Refer to the [state's specific coastal policies](#).

## Federal Consistency Public Comment Form

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**Select a project for comment::** Line 5

The Wisconsin Coastal Management Program (WCMP), State of Wisconsin, Department of Administration, has received correspondence from the United States Army Corps of Engineers, St. Paul District Division (Corps) and Enbridge Energy, Limited Partnership, on activities associated with the construction of the proposed Line 5 Wisconsin segment relocation project. The proposed activities are subject to review for consistency under the policies of the Wisconsin Coastal Management Program (WCMP).

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The Corps conducted a public hearing on June 4 in Ashland, Wisconsin. View [more information on the public hearing](#).

WCMP will not host a separate public hearing.

**Your Name or Organization:** 350 Wisconsin, Clean Wisconsin, Midwest Environmental Advocates, and Sierra Club Wisconsin Chapter

*Please note that providing your name or organization is not necessary or required. The State of Wisconsin will not follow up.*

**Comments::** (The following comment was submitted via this online portal and email. Due to limitations with formatting options of this portal, citations, images, and tables with Enforceable Policies and consistency concerns that were submitted in the letter sent via email are excluded.)  
August 4, 2024 Sent via email and online portal Mr. Michael Friis Wisconsin Coastal Management Program 101 E Wilson Street, 2nd Floor P.O. Box 8944 Madison, Wisconsin 53708  
Michael.friis@wisconsin.gov Re: Consistency Review for Enbridge Energy's Line 5 Reroute Dear Mr. Friis: The undersigned organizations, 350 Wisconsin, Clean Wisconsin, Midwest Environmental

Advocates, and Sierra Club Wisconsin Chapter, appreciate the opportunity to comment on the Wisconsin Coastal Management Program's (WCMP) consistency review for Enbridge Energy's proposed Line 5 segment relocation project in northern Wisconsin (the Line 5 Reroute). Over 50 years ago, Congress passed the Coastal Zone Management Act of 1972 (CZMA) to help states address the growing impact of development, industry, and pollution on the nation's coastal zone, including the Great Lakes. Under the CZMA, Wisconsin developed the WCMP to protect the ecological, economic, and aesthetic assets of Wisconsin's Great Lakes coasts for all Wisconsinites, including those of future generations. The WCMP and its policies are essential for protecting Lake Superior and Wisconsin's fragile coastal natural areas, which WCMP acknowledges are in an "increasingly tenuous position." The Bad River watershed and Lake Superior shoreline are extremely valuable coastal resources. As the healthiest and largest of the Great Lakes, Lake Superior is a critical source of drinking water for many communities. Its uniquely forested watershed contains sensitive natural areas, including wetlands, that harbor extraordinary biodiversity. Wisconsin's coastal wetlands are also important for the critical roles they play protecting the shoreline from erosion, improving water quality, and preventing floods. One of those wetlands, the Kakagon and Bad River Sloughs complex contains the last extensive coastal wild rice beds in the Great Lakes and provides habitat for several rare and threatened species, as well as migratory birds. Due to their ecological importance, the sloughs are recognized as a National Natural Landmark and a Ramsar Wetland of International Importance. Enbridge is currently operating its Line 5 oil and natural gas liquid (NGL) pipeline in trespass on the Bad River Reservation and has been since 2013. To continue profiting from the pipeline when finally forced to rectify this trespass, Enbridge proposes to reroute the pipeline around the boundaries of the Bad River Reservation. However, the rerouted pipeline would remain in the Bad River watershed, contrary to the wishes of the Bad River Band. Construction and operation of the Line 5 Reroute would have a significant impact on Wisconsin's coastal resources. Construction will require hundreds of additional, vulnerable water crossings, and impact a 41-mile corridor within Wisconsin's coastal zone, disturbing at least 101.1 acres of wetlands. These impacts will persist even after construction, as the plan includes a permanent 30-foot access corridor along the length of the reroute, which will cause permanent habitat fragmentation and increase the risk of invasive species penetration. The corridor will also be continually disturbed by inspection and repairs. The Line 5 Reroute will also require Enbridge to permanently clear woody vegetation from 30.06 acres of forested wetlands and 6.31 acres of shrub wetlands. Woody wetlands serve a variety of important ecological functions, including flood mitigation and wildlife habitat. Enbridge claims it will restore some wetlands and other disturbed habitats to their original condition. However, wetlands are difficult, and sometimes impossible, to restore due to the subtle interactions of hydrology, soils, nutrients, vegetation, and animal life in each wetland. Enbridge fails to provide adequate plans in permitting documents for how it will successfully restore these unique ecosystems. While certain impacts to coastal resources from construction and operation of the Line 5 Reroute are significant, the very real threat of oil spills must also be considered in the context of WCMP's consistency review. Unfortunately, Enbridge has a poor safety and environmental record, both with Line 5 and other pipelines. Line 5 itself has spilled at least 29 times in the last 50 years, releasing more than 1.1 million gallons of oil into the environment. And only one of these spills is known to have been identified by Enbridge's leak detection systems. Less than 15 years ago, Enbridge was responsible for one of the largest inland oil spills in U.S. history when its Line 6B in Michigan ruptured and spilled oil for 17 hours until a local utility reported it to Enbridge. In fact, Enbridge's own actions resulted in hundreds of thousands of additional gallons of oil being released than otherwise would have been. In the end, over a million gallons of oil devastated 38 miles of the Kalamazoo River. The Line 5 Reroute would cross 180 streams, wetlands, and other water bodies in

the Lake Superior basin; a spill would endanger drinking water sources, essential wildlife habitat, and recreation resources such as Copper Falls State Park. The reroute poses a threat to all the ecosystems in its path, all of which are coastal natural areas the WCMP protects. Construction of the Line 5 Reroute requires permitting under the Clean Water Act and an affirmative public interest determination by United States Army Corps of Engineers (USACE). Pursuant to the CZMA, any applicant for these federal permits: shall provide in the application to the licensing or permitting agency a certification that the proposed activity complies with the enforceable policies of the state's approved program and that such activity will be conducted in a manner consistent with the program. . . . No license or permit shall be granted by the Federal agency until the state or its designated agency has concurred with the applicant's certification[.] The applicant must provide sufficient data to the state to allow it to determine if the proposed action is consistent and complies with the state's coastal zone management program. Notably, the USACE's Draft Combined Decision Document (DCDD) and associated appendices fail to provide information adequate for WCMP to analyze the Line 5 Reroute for consistency with the state's enforceable policies (EPs). For example, USACE does not substantively address the possibility of an oil spill in the DCDD—a foreseeable consequence of constructing the reroute given Enbridge's poor history of spills—claiming the consideration of impacts of a spill is outside of its jurisdiction. Given the DCDD's limited scope and Enbridge's lack of permits from Wisconsin DNR, we are concerned WCMP lacks the information necessary to appropriately analyze the Line 5 Reroute for consistency with the EPs. Given the importance and sensitivity of the coastal resources at stake, Enbridge's proposed Line 5 Reroute must be heavily scrutinized. We respectfully submit that the proposed construction of the Line 5 segment relocation does not fully comply with all applicable EPs. Accordingly, we ask that WCMP deny the request for concurrence that USACE's permitting action is consistent with Wisconsin's EPs. In the alternative, we believe WCMP should, at least, decline to issue a consistency determination at this time, and closely investigate the extent to which the concerns raised herein, and/or in other public comments, require denial, or delay and submission of additional information to fully consider the impacts of the Line 5 Reroute on Wisconsin's coastal zone. The following tables outline information about the Line 5 Reroute and USACE's DCDD relevant to WCMP's consistency review for specific EPs. I) Coastal Water Quality and Quantity and Coastal Air Quality Enbridge's proposed project does not adequately address the project's impacts on coastal water and air quality. The Corps' DCDD relies exclusively on data and statements from Enbridge regarding the project's water and air quality impacts, without performing independent verification of Enbridge's claims. Importantly, USACE does not consider the impacts of greenhouse gas emissions from the pipeline's operation. Enbridge and USACE also fail to address the impacts of an oil spill on coastal water quality. (see table in PDF letter) II) Coastal Natural Areas, Wildlife Habitats and Fisheries Line 5 will have severe and permanent impacts on coastal natural areas, wildlife habitats, and fisheries. Enbridge and USACE fail to adequately consider the cumulative, long-term impacts of construction, ongoing right-of-way (ROW) maintenance, woody vegetation removal, and habitat fragmentation, nor do they provide specific plans for restoring the unique hydrology, microtopography, functional values, and vegetation of impacted wetlands or other coastal natural areas. These qualities are difficult to restore. Additionally, oil spill impacts on wetlands are often severe and can take decades to fully recover. (see table in PDF letter) III) Coastal Erosion and Flood Hazard Areas Flooding is a serious concern in northern Wisconsin. Fluctuating water levels in recent years have significantly impacted communities around Lake Superior and have made coastal resilience an increasingly urgent need in these communities. In addition to many instances of flash flooding, major flood events have occurred in 2012, 2016, and 2018. In the 2018 floods, Whittlesy Creek and the White River reached record crests; the deadly flooding washed out many roads, bridges, and culverts in Ashland County and surrounding counties. Repetitive flood damage not only causes administrative

and economic challenges, but also poses a significant threat to public safety. Healthy wetland-based hydraulic processes, which Line 5 Reroute construction will interfere with, are fundamental to flood prevention in Wisconsin. Flooding also contributes to pipeline erosion, increasing the need for inspection and the likelihood of oil spills. (see table in PDF letter) IV) Community Development (see table in PDF letter) In addition to the substantive concerns about the Line 5 Reroute's consistency with Wisconsin's coastal policies, we are also concerned with WCMP's process. First, WCMP initially tied its comment deadline to USACE's deadline for comment on the DCDD. On July 26, USACE extended its deadline from August 4, 2024, to August 30, 2024 to allow the public sufficient time to review the lengthy DCDD, including several appendices that were updated during the ongoing comment period, as recently as July 12. WCMP declined to follow suit, leaving the public with limited time to review all documents in USACE's record relevant to WCMP's review. Second, WCMP's notice for public comment notes public hearings have been held by Wisconsin DNR and USACE on the attributes of the Line 5 Reroute in their respective jurisdictions but says WCMP will not hold a separate public hearing on the consistency determination. This is unacceptable—only WCMP is responsible for determining the project's consistency with state coastal policy and none of the previous hearings have been about that determination. WCMP should hold its own hearing so the public can provide input on this aspect of the Line 5 Reroute. We ask that WCMP deny the request for concurrence that the federal permitting action is consistent with Wisconsin's EPs. Alternatively, WCMP should decline to issue a concurrence determination and closely investigate how much the concerns raised above require denial, delay, or the submission of additional information from the applicant. We appreciate WCMP's time and attention on this important matter. Sincerely, /s/ Emily Park Emily Park, Co-Executive Director Stephanie Robinson, Co-Executive Director Britnie Remer, Fossil Fuel Resistance Organizer 350 Wisconsin emily.park@350wisconsin.org stephanie.robinson@350wisconsin.org britnie.remer@350wisconsin.org /s/ Brett Korte Brett Korte, Staff Attorney Evan Feinauer, Staff Attorney Shannon Myers, Legal Intern Clean Wisconsin 634 West Main Street, Suite 300 Madison, WI 53703 bkorte@cleanwisconsin.org efeinauer@cleanwisconsin.org /s/ Rob Lee Rob Lee, Staff Attorney Anya Janssen, Staff Attorney for Native Nations Partnerships Midwest Environmental Advocates 634 W. Main St., Suite 201 Madison, WI 53589 rlee@midwestadvocates.org /s/ Elizabeth Ward Elizabeth Ward, Director Sierra Club Wisconsin Chapter 754 Williamson Street Madison, WI 53703 elizabeth.ward@sierraclub.org

# Federal Consistency Public Comment Form

7/10/2024 6:56:52 PM

## Introduction

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The Wisconsin Coastal Management Program (WCMP) is conducts federal consistency reviews to verify the activities considered under a permit will comply with state coastal policies. Open comment periods will last for at least 21 days. More information on projects with an open comment period may be found at <https://coastal.wisconsin.gov>.

Refer to the [WCMP federal consistency webpage](#).

Refer to the [state's specific coastal policies](#).

## Federal Consistency Public Comment Form

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**Select a project for comment::** Line 5

The Wisconsin Coastal Management Program (WCMP), State of Wisconsin, Department of Administration, has received correspondence from the United States Army Corps of Engineers, St. Paul District Division (Corps) and Enbridge Energy, Limited Partnership, on activities associated with the construction of the proposed Line 5 Wisconsin segment relocation project. The proposed activities are subject to review for consistency under the policies of the Wisconsin Coastal Management Program (WCMP).

**Update: WCMP has extended the deadline to August 4, 2024.** Please note that, while the form had an original deadline of June 21, comments will be accepted through August 4.

The Corps conducted a public hearing on June 4 in Ashland, Wisconsin. View [more information on the public hearing](#).

WCMP will not host a separate public hearing.

**Your Name or Organization:** Sara Krebsbach

*Please note that providing your name or organization is not necessary or required. The State of Wisconsin will not follow up.*

**Comments::** Reject Line 5. Public input must be allowed ample time to make a decision and building such a line without permits or input and without following protections upheld by law is unconscionable.

# Federal Consistency Public Comment Form

8/2/2024 12:33:40 PM

## Introduction

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## Federal Consistency Public Comment Form

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**Select a project for comment::** Line 5

The Wisconsin Coastal Management Program (WCMP), State of Wisconsin, Department of Administration, has received correspondence from the United States Army Corps of Engineers, St. Paul District Division (Corps) and Enbridge Energy, Limited Partnership, on activities associated with the construction of the proposed Line 5 Wisconsin segment relocation project. The proposed activities are subject to review for consistency under the policies of the Wisconsin Coastal Management Program (WCMP).

**Update: WCMP has extended the deadline to August 4, 2024.** Please note that, while the form had an original deadline of June 21, comments will be accepted through August 4.

The Corps conducted a public hearing on June 4 in Ashland, Wisconsin. View [more information on the public hearing](#).

WCMP will not host a separate public hearing.

**Your Name or Organization:**

*Please note that providing your name or organization is not necessary or required. The State of Wisconsin will not follow up.*

**Comments::** Enbridge does not have the required permits and has not provided enough information on the project's impacts to determine consistency with the state's coastal policies; Because Enbridge has a poor safety record and a history of oil disasters, spills are foreseeable and threaten Wisconsin's coastal areas, wildlife, trout streams, recreation, and groundwater; Flooding is a serious threat during construction of the reroute and could be exacerbated by permanent changes to how water naturally moves along the corridor. The region has seen more intense and more frequent floods due to climate change, including two devastating, 500-year floods in the last decade; The public has not been given sufficient opportunity to voice comments and concerns.

WCMP should not rely on the Army Corps process and needs to hold a separate public hearing specifically about Line 5's impacts to Wisconsin's coastal resources.

# Federal Consistency Public Comment Form

7/10/2024 8:41:52 PM

## Introduction

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## Federal Consistency Public Comment Form

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WCMP will not host a separate public hearing.

**Your Name or Organization:** Cassandra Thiel

*Please note that providing your name or organization is not necessary or required. The State of Wisconsin will not follow up.*

**Comments::** Please do not allow Line 5 to proceed. Water is an extremely valuable resource and Enbridge has a very poor safety record, spilling millions of gallons of oil into important ecosystems. Wisconsin's rivers, ponds, and marshes are a true treasure we should not risk with Line 5.

# Federal Consistency Public Comment Form

8/1/2024 4:09:46 AM

## Introduction

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## Federal Consistency Public Comment Form

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**Select a project for comment::** Line 5

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WCMP will not host a separate public hearing.

**Your Name or Organization:** Gregory M. Mikkelsen

*Please note that providing your name or organization is not necessary or required. The State of Wisconsin will not follow up.*

**Comments::** Enbridge has a disastrous safety record. Spills will happen and threaten Wisconsin's coastal areas, wildlife, trout streams, recreation, groundwater, and wild rice beds. Flooding is a serious threat during construction of the reroute and could be exacerbated by permanent changes to how water naturally moves along the corridor. The region has seen more intense and more frequent floods due to climate change. The public has not been given sufficient opportunity to

voice comments and concerns. WCMP should not rely on the Army Corps process and needs to hold a separate public hearing specifically about Line 5's impacts to Wisconsin's coastal resources.

# Federal Consistency Public Comment Form

8/2/2024 12:08:10 PM

## Introduction

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## Federal Consistency Public Comment Form

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**Select a project for comment::** Line 5

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WCMP will not host a separate public hearing.

**Your Name or Organization:**

*Please note that providing your name or organization is not necessary or required. The State of Wisconsin will not follow up.*

**Comments::** Enbridge does not have the required permits and has not provided enough information on the project's impacts to determine consistency with the state's coastal policies; Because Enbridge has a poor safety record and a history of oil disasters, spills are foreseeable and threaten Wisconsin's coastal areas, wildlife, trout streams, recreation, and groundwater; Flooding is a serious threat during construction of the reroute and could be exacerbated by permanent changes to how water naturally moves along the corridor. The region has seen more intense and more frequent floods due to climate change, including two devastating, 500-year floods in the last decade; The public has not been given sufficient opportunity to voice comments and concerns.

WCMP should not rely on the Army Corps process and needs to hold a separate public hearing specifically about Line 5's impacts to Wisconsin's coastal resources.

# Federal Consistency Public Comment Form

7/11/2024 6:58:56 AM

## Introduction

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Refer to the [WCMP federal consistency webpage](#).

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## Federal Consistency Public Comment Form

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**Select a project for comment::** Line 5

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WCMP will not host a separate public hearing.

**Your Name or Organization:** Citizen

*Please note that providing your name or organization is not necessary or required. The State of Wisconsin will not follow up.*

**Comments::** No to the line 5 reroute.

# Federal Consistency Public Comment Form

7/10/2024 1:28:51 PM

## Introduction

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## Federal Consistency Public Comment Form

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**Select a project for comment::** Line 5

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WCMP will not host a separate public hearing.

**Your Name or Organization:** Nick Humphrey

*Please note that providing your name or organization is not necessary or required. The State of Wisconsin will not follow up.*

**Comments::** Wisconsin's Lake Superior shoreline needs to be off-bounds to Federal Line 5 encroachment!

# Federal Consistency Public Comment Form

7/10/2024 3:00:53 PM

## Introduction

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## Federal Consistency Public Comment Form

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**Select a project for comment::** Line 5

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WCMP will not host a separate public hearing.

**Your Name or Organization:** Randolph Schoedler

*Please note that providing your name or organization is not necessary or required. The State of Wisconsin will not follow up.*

**Comments::** Line 5 should been disallowed years prior to this time, I do not believe it performs any function which we should pay for.

# Federal Consistency Public Comment Form

7/10/2024 12:07:43 PM

## Introduction

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Refer to the [state's specific coastal policies](#).

## Federal Consistency Public Comment Form

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**Select a project for comment::** Line 5

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The Corps conducted a public hearing on June 4 in Ashland, Wisconsin. View [more information on the public hearing](#).

WCMP will not host a separate public hearing.

**Your Name or Organization:** Andrew Raddatz

*Please note that providing your name or organization is not necessary or required. The State of Wisconsin will not follow up.*

**Comments::** I agree, that we need to protect our valuable wetlands from this pipeline. No pipeline is safe to the environment around it, especially environments that contain streams and wetlands.

# Federal Consistency Public Comment Form

7/10/2024 1:32:37 PM

## Introduction

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## Federal Consistency Public Comment Form

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**Select a project for comment::** Line 5

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WCMP will not host a separate public hearing.

**Your Name or Organization:** Mary-Lee Rossmassler

*Please note that providing your name or organization is not necessary or required. The State of Wisconsin will not follow up.*

**Comments::** Line 5 is a disaster waiting to happen. Enbridge does not have the correct forms to even begin constructing a pipeline. Furthermore, Enbridge has a history of disastrous oil leaks that will damage the environment around it. Just say and do the right thing, which is: No!

# Federal Consistency Public Comment Form

7/10/2024 12:36:31 PM

## Introduction

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## Federal Consistency Public Comment Form

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**Select a project for comment::** Line 5

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WCMP will not host a separate public hearing.

**Your Name or Organization:** Chris Carollo-Zeuner

*Please note that providing your name or organization is not necessary or required. The State of Wisconsin will not follow up.*

**Comments::** The Line 5 Reroute is a bad idea because: Enbridge does not have the required permits and has not provided enough information on the project's impacts to determine consistency with the state's coastal policies; Because Enbridge has a poor safety record and a history of oil disasters, spills are foreseeable and threaten Wisconsin's coastal areas, wildlife, trout streams, recreation, and groundwater; Flooding is a serious threat during construction of the reroute and could be exacerbated by permanent changes to how water naturally moves along the corridor. The region has seen more intense and more frequent floods due to climate change, including two devastating, 500-year floods in the last decade; The public has not been given

sufficient opportunity to voice comments and concerns. WCMP should not rely on the Army Corps process and needs to hold a separate public hearing specifically about Line 5's impacts to Wisconsin's coastal resources. Thank you for your time and consideration.

# Federal Consistency Public Comment Form

8/2/2024 7:05:08 PM

## Introduction

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## Federal Consistency Public Comment Form

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WCMP will not host a separate public hearing.

**Your Name or Organization:** Brooklyn Dykstra

*Please note that providing your name or organization is not necessary or required. The State of Wisconsin will not follow up.*

**Comments::** Please do not pass this pipeline, the climate effects are devastating

# Federal Consistency Public Comment Form

7/10/2024 1:23:51 PM

## Introduction

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## Federal Consistency Public Comment Form

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**Your Name or Organization:** Tom Handland

*Please note that providing your name or organization is not necessary or required. The State of Wisconsin will not follow up.*

**Comments::** Allowing Enbridge to not only continue to operate a pipeline illegally on tribal lines and near the largest inland source of fresh water but to consider letting them a pipeline through fragile ecological areas and kill and pollute the fresh water there and ruin areas that are far more valuable for their resources and tourism just to line the corporate pockets of a corporation that will put provide income for the tribes but instead trample their rights and ruin their lives and those of

others for generations is morally and legally objectionable by any measure. Put people first, not greedy irresponsible corporations.

# Federal Consistency Public Comment Form

8/4/2024 2:05:46 PM

## Introduction

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## Federal Consistency Public Comment Form

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WCMP will not host a separate public hearing.

**Your Name or Organization:** Jonathan

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**Comments::** Enbridge does not have the required permits and has not provided enough information on the project's impacts to determine consistency with the state's coastal policies; Because Enbridge has a poor safety record and a history of oil disasters, spills are foreseeable and threaten Wisconsin's coastal areas, wildlife, trout streams, recreation, and groundwater; Flooding is a serious threat during construction of the reroute and could be exacerbated by permanent changes to how water naturally moves along the corridor. The region has seen more intense and more frequent floods due to climate change, including two devastating, 500-year floods in the last decade; The public has not been given sufficient opportunity to voice comments and concerns.

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# Federal Consistency Public Comment Form

8/2/2024 8:52:41 AM

## Introduction

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**Your Name or Organization:** Wefgjkkkhc

*Please note that providing your name or organization is not necessary or required. The State of Wisconsin will not follow up.*

**Comments::** I love the state of Wisconsin and I can't have that be taken away by this pipe line!

# Federal Consistency Public Comment Form

8/2/2024 2:48:08 PM

## Introduction

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## Federal Consistency Public Comment Form

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WCMP will not host a separate public hearing.

**Your Name or Organization:** The Bad River Band of Lake Superior Chippewa

*Please note that providing your name or organization is not necessary or required. The State of Wisconsin will not follow up.*

**Comments::** These comments and request for government-to-government consultation are submitted on behalf of the Bad River Band of Lake Superior Chippewa. The below letter is also being emailed as a signed PDF to DOA Secretary Blumenfeld, along with Director Michael Friis and Program Manager Kathleen Angel. The emailed PDF should be used as the official version included in the administrative record and to coordinate consultation with the Band. Thank you. August 2, 2024 Secretary Kathy Blumenfeld Wisconsin Department of Administration 101 E. Wilson Street, 10th floor Madison, WI 53703 DOASecretarysOffice@wisconsin.gov Comments Regarding Consistency Review for the Proposed Line 5 Wisconsin Segment Relocation Project, and Request for

Government-to-Government Consultation and a Public Hearing Dear Secretary Blumenfeld, The Bad River Band of Lake Superior Chippewa ("Bad River" or "Band") respectfully submits the following comments to the Wisconsin Department of Administration's ("DOA") Coastal Management Program ("CMP") regarding your agency's review of Enbridge Energy's proposed Line 5 Segment Relocation Project. The Band is concerned that the Line 5 relocation project is inconsistent with the CMP's enforceable policies. The Band requests the DOA engage in government-to-government consultation with us, as well as hold its own public hearing. The Band appreciates your engagement and careful review of this significant proposal, especially given that if built it would pass directly around and upstream of our Reservation and within our ceded territory. The Bad River Band is a federally recognized tribe in Northern Wisconsin, located wholly within the Lake Superior Basin and majority within the sub-basin of the Bad River—Mashkiiziibii—for which our Tribal Nation is named. The Bad River Reservation is also directly adjacent to Lake Superior. The Anishinaabe, of which our Tribe of Ojibwe are a part, have lived in this area for several hundred years, moving from the east as described in our migration story to find the place where food grows on water. The Bad River Band and its people maintain a reciprocal relationship with the natural environment. Anishinaabe people see the waters, trees, animals, plants, birds, and even the air as an extension of a large community. This community is at the center of Anishinaabe culture and life. The Band has a solemn responsibility to preserve our homeland, our environment, our culture, our treaty-protected resources, and our distinct lifeways for the coming seven generations. It is for this reason the Band objects to Enbridge's proposed reroute of the Line 5 pipeline within our shared watershed and within our ceded territory.

I. The Band Requests Government-to-Government Consultation The scale and location of the Line 5 reroute proposal implicates the Band's unique sovereign and treaty-protected interests. Government-to-government consultation with your agency is essential to discuss these implications. In this consultation, we wish to discuss how your agency implements consistency reviews under the Coastal Zone Management Act ("CZMA"), how the Line 5 proposal specifically is being reviewed, and what information your agency is considering in this review. It is our hope this discussion will allow the Band to assist the DOA in identifying additional necessary information for your review, including any information the Band already possesses.

II. Opportunities for Public Participation in the Consistency Certification are Inadequate The Band requests the DOA publish necessary information in a new public notice and hold its own public hearing to review the consistency certification. Public participation is mandatory during the consistency certification review. 15 C.F.R. § 930.2. Adequate public participation requires that the DOA provide a public notice that "(1) [s]pecif[ies] that the proposed activity is subject to review for consistency under the policies of the management program; (2) [p]rovide[s] sufficient information to serve as basis for comment; (3) [s]pecif[ies] a source for additional information; and (4) [s]pecif[ies] a contact for submitting comments to the management program." Id. § 930.61(b). While "[t]he State agency may rely upon the public notice provided by the Federal agency," the notice must still "satisfi[y] the minimum requirements" for the public notice. Id. § 930.61(c). To satisfy its legal requirements, the DOA should republish a public notice with the necessary information and hold its own public hearing.

a. Public Notice Request The DOA's public notice lacked basic information necessary for both the Band and members of the public to comment on the proposed project's consistency certification. The public notice did not include Enbridge's consistency certification statement nor "necessary data and information" your agency is considering in its review. 15 C.F.R. § 930.57. Without these key pieces of information, the Band and the public lack the ability to adequately assess and comment on the project's alignment with CMP policies. To fulfill the duty for public participation, the DOA should republish its public notice with the required information pursuant to 15 C.F.R. § 930.57 so commentators may properly assess the proposal's consistency with enforceable policies.

b. Public Hearing Request The Corps' public hearing cannot

be used to fulfill the hearing requirement under 15 C.F.R. § 930.57 because it only focused on the Corps' review under Section 404 of the Clean Water Act and Section 10 of the Rivers and Harbors Act. The Corps' public hearing did not address the consistency certification. This insufficiency meant commentors, including Band representatives, lacked adequate information to provide comments regarding the CMP review. Further, the Corps' June 4th public hearing seriously curtailed public participation. Commentors were selected randomly through a lottery system to determine participation, and each commentor had a limited amount of time to speak. The Corps did not offer a remote participation option. These factors limited comments to those who could travel to Ashland, potentially from several hours away, and had the fortune of being selected to speak. These measures made the hearing inadequate to "obtain sufficient comment." 15 C.F.R. § 930.61(a). To fulfill the duty for public participation, the DOA should hold its own public hearing that allows speakers adequate time to comment and offers a virtual option so that individuals who cannot attend the hearing in person can still have their voices heard.

III. The Line 5 Pipeline Relocation Proposal is Inconsistent with Wisconsin's Enforceable Policies

The Band is concerned that Enbridge's proposal is inconsistent with Wisconsin's enforceable CMP policies. Our preliminary concerns include the proposed pipeline's impact on water quality, natural areas, and historic preservation. The Band reserves the right to raise additional concerns and anticipates doing so as the DOA shares additional information necessary for our review and comment. Pursuant to the CZMA, federal permits cannot be granted unless the pipeline complies with Wisconsin's enforceable policies. 16 U.S.C. § 1456(c)(3)(A).

a. The Band is Concerned About the Proposal's Impacts on Water Quality

The proposed Line 5 relocation project presents serious concerns for coastal water quality. Wisconsin's enforceable policies prohibit "[d]ischarge[] of effluent . . . into any waters of the state. . . if they exceed federal and state water quality standards." Wis. Stats. §§ 283.11-31. Enbridge has not yet demonstrated that the proposed project will comply with Wisconsin's water quality standards. The project must also comply with the Band's EPA-approved water quality standards, which the Band plans to assess under 33 U.S.C. § 1341(a)(2). The DOA must ensure the reroute project would not exceed those standards. The project's proximity to the Great Lakes increases the importance of adhering to water quality standards. Protecting the Great Lakes is "of paramount national and regional concern" because the lakes "contain approximately 20% of the world's fresh water." Wisconsin Coastal Management Program, Wisconsin Coastal Management Program, Published October 2007. This means that the relocation project cannot exceed the Band's standards, and that the water quality should be as high as possible. *Id.* § 281.11. The DOA must share the information it is reviewing to determine whether these waters will remain of the highest possible quality. The proposed relocation also raises serious concerns about construction impacts to groundwater quality and quantity, particularly due to planned blasting and horizontal directional drilling ("HDD"). Enbridge's prior use of HDD during Line 3 construction released pollutants through "frac-outs" and ruptured groundwater aquifers. Groundwater is the primary source of drinking water for the Band and surrounding communities. The DOA must review the proposal's impact on surface waters and groundwater and make the information and findings available for public comment. Finally, a petroleum spill from Line 5 – of oil or natural gas liquids – presents a grave risk to water quality. A 2018 report prepared for the International Joint Commission provides helpful context for how to assess potential impacts from petroleum releases in the Great Lakes. The Band will be submitting comments on the Corps' Draft Combined Decision Document for the Enbridge Line 5 Wisconsin Segment Relocation Project. The Band anticipates including additional information about the project's impact on water quality and quantity in that comment letter.

b. The Band is Concerned About the Project's Impact on Natural Areas

The proposed relocation may harm designated natural areas, including state forests and wetlands. "The Wisconsin Department of Natural Resources shall not permit any use of a designated state natural

area which is inconsistent with or injurious to its natural values.” Wis. Stats. § 23.26-.28. State forests “shall be managed. . . to benefit the present and future generations of residents of this state, recognizing that the state forests contribute to local and statewide economies and to a healthy natural environment.” Id. § 28.04(2)(a). Wetland communities “shall [be] preserve[d], protect[ed], restore[d] and manage[d] . . . to be sustainable, diverse, and interspersed with healthy aquatic and terrestrial communities . . . with the goal of maintaining, protecting and improving water quality.” Id. §§ 281.12(1), 281.11. Several natural areas, state parks, and wetlands may be impacted by the pipeline. For instance, “[t]he proposed route corridor would be located over one-half mile south of the Copper Falls State Natural Area (SNA) . . . The White River Boreal Forest SNA is located approximately 2.8 miles east of the proposed route and the White River Breaks SNA is located approximately 3.0 miles west of the proposed route.” DCDD at 64. Additionally, “[a] portion of the proposed WI L5R project is located within on-half [sic] mile of Copper Falls State Park.” DCDD at 72. The pipeline may also impact the Apostle Islands National Lakeshore and Kakagon and Bad River Sloughs complex, a Wetland of International Importance and a unique and vast Lake Superior coastal wetland system. “The National Park Service (NPS) requested the Corps consider potential threats to” these resources. DCDD at 28. The pipeline’s close vicinity to – and likelihood to impact – parks and natural areas contradicts the enforceable policies aimed at protecting these areas. The DOA must review these issues and make information available for public comment. c. The Band is Concerned About the Project’s Impact on Historic Preservation The relocation project may also be inconsistent with Wisconsin’s enforceable policy of historic preservation and conservation of heritage. Wis. Stats. §§ 44.30, 44.34. The Corps has not yet fully completed its review under Section 106 of the National Historic Preservation Act. The Band’s Tribal Historic Preservation Officer has not concurred nor signed off on concluding consultation under Section 106 due to outstanding information needed to assess potential impacts to cultural resources. The consistency certification cannot be finalized until Section 106 review is completed. Again, DOA must review and share information related to these concerns so the Band and public may comment. IV. Conclusion Thank you for considering the Band’s comments in this review process. Bad River is preparing comments for the Corps on the environmental review required under Section 404 of the Clean Water Act and Section 10 of the Rivers and Harbors Act and may include information there relevant to the DOA’s review under the CZMA. We will share a copy of that comment letter once it is finalized. We also wish to ensure continued discussion and collaboration through government-to-government consultation as well as a CMP-specific public hearing. This will help ensure the DOA has all necessary information for the consistency review. We ask that DOA not make a consistency decision until the issues identified in this letter are addressed, and until government-to-government consultation can occur and both the Band and DOA agree that it has concluded. These steps will ensure DOA, the Band, and the public have the information necessary to properly review and comment on whether Enbridge’s proposed project is consistent with Wisconsin’s CMP policies. For any questions, please reach out to me directly or have your staff reach out to Naomi Tillison, our Natural Resources Director at [nrdirector@badriver-nsn.gov](mailto:nrdirector@badriver-nsn.gov). Miigwech (thank you), /s/Robert Blanchard Robert Blanchard Bad River Tribal Chairman cc: Mike Friis, Director of Resource Policy Bureau, Wisconsin DOA, [michael.friis@wisconsin.gov](mailto:michael.friis@wisconsin.gov) Kathleen Angel, Program Manager, [kathleen.angel@wisconsin.gov](mailto:kathleen.angel@wisconsin.gov) Naomi Tillison, Director of Mashkiziibii Natural Resources Department

# Federal Consistency Public Comment Form

7/10/2024 1:22:00 PM

## Introduction

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Refer to the [WCMP federal consistency webpage](#).

Refer to the [state's specific coastal policies](#).

## Federal Consistency Public Comment Form

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**Select a project for comment::** Line 5

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**Update: WCMP has extended the deadline to August 4, 2024.** Please note that, while the form had an original deadline of June 21, comments will be accepted through August 4.

The Corps conducted a public hearing on June 4 in Ashland, Wisconsin. View [more information on the public hearing](#).

WCMP will not host a separate public hearing.

**Your Name or Organization:** Jodi Koehler

*Please note that providing your name or organization is not necessary or required. The State of Wisconsin will not follow up.*

**Comments::** When William Shatner went up in Bezo's rocket, he wept for the Earth. He realized what a tiny, fragile place in space we have and it's our only home. Earth is filled with unsurpassed beauty and incredible biodiversity. In the vastness of space, it's all we have, yet we treat our Earth like a garbage can - dumping toxic waste into our air and water, destroying millions of acres of wild spaces, and killing off thousands of species. We need to do all we can to protect this amazing Earth, and denying big oil the right to pollute our environment is a great start! PLEASE stop line 5, the

price for destroying our lakes and rivers and killing off our wildlife is much too great to risk it. We need to focus our efforts on clean, renewable energy NOW, before it's too late

# Federal Consistency Public Comment Form

7/12/2024 11:44:16 AM

## Introduction

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## Federal Consistency Public Comment Form

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**Select a project for comment::** Line 5

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WCMP will not host a separate public hearing.

**Your Name or Organization:** Karin Kozie, private citizen

*Please note that providing your name or organization is not necessary or required. The State of Wisconsin will not follow up.*

**Comments::** • Enbridge does not have the required permits and has not provided enough information on the project's impacts to determine consistency with the state's coastal policies; • Because Enbridge has a poor safety record and a history of oil disasters, spills are foreseeable and threaten Wisconsin's coastal areas, wildlife, trout streams, recreation, and groundwater; • Flooding is a serious threat during construction of the reroute and could be exacerbated by permanent changes to how water naturally moves along the corridor. The region has seen more intense and more frequent floods due to climate change, including two devastating, 500-year floods in the last decade; • The public has not been given sufficient opportunity to voice comments and concerns.

WCMP should not rely on the Army Corps process and needs to hold a separate public hearing specifically about Line 5's impacts to Wisconsin's coastal resources.

# Federal Consistency Public Comment Form

8/4/2024 11:58:44 AM

## Introduction

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## Federal Consistency Public Comment Form

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**Select a project for comment::** Line 5

The Wisconsin Coastal Management Program (WCMP), State of Wisconsin, Department of Administration, has received correspondence from the United States Army Corps of Engineers, St. Paul District Division (Corps) and Enbridge Energy, Limited Partnership, on activities associated with the construction of the proposed Line 5 Wisconsin segment relocation project. The proposed activities are subject to review for consistency under the policies of the Wisconsin Coastal Management Program (WCMP).

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The Corps conducted a public hearing on June 4 in Ashland, Wisconsin. View [more information on the public hearing](#).

WCMP will not host a separate public hearing.

**Your Name or Organization:**

*Please note that providing your name or organization is not necessary or required. The State of Wisconsin will not follow up.*

**Comments::** To the Wisconsin Coastal Management Plan I would like a separate public hearing specifically about Line 5's impacts to Wisconsin's coastal resources to be held in the Bad River Watershed with arrangements for virtual participation, thus enabling full citizen engagement. Please consider these facts: Enbridge does not have the required permits and has not provided enough information on the project's impacts to determine consistency with the state's coastal policies. The Wisconsin DNR has not completed their response to the dEIS. • Enbridge has a poor safety record and a history of oil disasters, spills are foreseeable and threaten Wisconsin's coastal areas, wildlife, trout streams, recreation, and groundwater. Enbridge pipelines, including Line 5,

have spilled 33 times since 1968 and have released 1.1 million gallons of toxic oil into the environment. The Line 5 reroute would cross nearly 200 waterbodies and more than 100 acres of wetlands, putting some of Wisconsin's most treasured coastal natural areas, including Lake Superior, at risk. We must preserve our clean water now and for the future. We must not be tempted by money or promised jobs from big companies. Marge Palleon 10765 Hummingbird Lane Hazelhurst, WI 54531

# Federal Consistency Public Comment Form

7/10/2024 7:12:25 PM

## Introduction

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## Federal Consistency Public Comment Form

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**Select a project for comment::** Line 5

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The Corps conducted a public hearing on June 4 in Ashland, Wisconsin. View [more information on the public hearing](#).

WCMP will not host a separate public hearing.

**Your Name or Organization:** Chris Casper

*Please note that providing your name or organization is not necessary or required. The State of Wisconsin will not follow up.*

**Comments::** Enbridge does not have the required permits and has not provided enough information on the project's impacts to determine consistency with the state's coastal policies; Because Enbridge has a poor safety record and a history of oil disasters, spills are foreseeable and threaten Wisconsin's coastal areas, wildlife, trout streams, recreation, and groundwater; Flooding is a serious threat during construction of the reroute and could be exacerbated by permanent changes to how water naturally moves along the corridor. The region has seen more intense and more frequent floods due to climate change, including two devastating, 500-year floods in the last decade; The public has not been given sufficient opportunity to voice comments and concerns.

WCMP should not rely on the Army Corps process and needs to hold a separate public hearing specifically about Line 5's impacts to Wisconsin's coastal resources.

# Federal Consistency Public Comment Form

7/13/2024 11:26:59 AM

## Introduction

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## Federal Consistency Public Comment Form

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**Select a project for comment::** Line 5

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WCMP will not host a separate public hearing.

**Your Name or Organization:**

*Please note that providing your name or organization is not necessary or required. The State of Wisconsin will not follow up.*

**Comments::** WHAT IS WRONG WITH YOU POEPL? ARE YOU DEAF? WE'VE BEEN SCREAMING FOR YOU TO STOP LINE 5 FOR YEARS NOW! GET A FUCKING CLUE!!!!!!!

# Federal Consistency Public Comment Form

7/10/2024 12:40:28 PM

## Introduction

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## Federal Consistency Public Comment Form

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**Select a project for comment::** Line 5

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WCMP will not host a separate public hearing.

**Your Name or Organization:** Marissa Williford

*Please note that providing your name or organization is not necessary or required. The State of Wisconsin will not follow up.*

**Comments::** Enbridge does not have the required permits and has not provided enough information on the project's impacts to determine consistency with the state's coastal policies; Because Enbridge has a poor safety record and a history of oil disasters, spills are foreseeable and threaten Wisconsin's coastal areas, wildlife, trout streams, recreation, and groundwater; Flooding is a serious threat during construction of the reroute and could be exacerbated by permanent changes to how water naturally moves along the corridor. The region has seen more intense and more frequent floods due to climate change, including two devastating, 500-year floods in the last decade; The public has not been given sufficient opportunity to voice comments and concerns.

WCMP should not rely on the Army Corps process and needs to hold a separate public hearing specifically about Line 5's impacts to Wisconsin's coastal resources.

# Federal Consistency Public Comment Form

7/11/2024 8:42:51 AM

## Introduction

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## Federal Consistency Public Comment Form

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**Select a project for comment::** Line 5

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WCMP will not host a separate public hearing.

**Your Name or Organization:** Friends of the Pine River Paddle Club

*Please note that providing your name or organization is not necessary or required. The State of Wisconsin will not follow up.*

**Comments::** Enbridge Energy is a serial polluter. It is part of an industry that is facing a future of diminishing investment as advanced economies move away from fossil fuels. Enbridge will have less and less incentive to properly maintain this line as demand for petroleum products ebbs. We should not risk our water resources to accommodate this type of industry. Clean fresh water resources are becoming the most important commodity in the entire world. Wisconsin's future economic strength depends on protecting this resource! Enbridge is literally the last company in this dying industry that should be entrusted to protect Wisconsin's most important and necessary

resource. Permitting for this project should be denied, and WCMP should express strong opposition to this project.

# Federal Consistency Public Comment Form

8/3/2024 7:30:57 AM

## Introduction

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## Federal Consistency Public Comment Form

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**Select a project for comment::** Line 5

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WCMP will not host a separate public hearing.

**Your Name or Organization:** Emily Wilson

*Please note that providing your name or organization is not necessary or required. The State of Wisconsin will not follow up.*

**Comments::** Enbridge does not have the required permits and has not provided enough information on the project's impacts to determine consistency with the state's coastal policies; Because Enbridge has a poor safety record and a history of oil disasters, spills are foreseeable and threaten Wisconsin's coastal areas, wildlife, trout streams, recreation, and groundwater; Flooding is a serious threat during construction of the reroute and could be exacerbated by permanent changes to how water naturally moves along the corridor. The region has seen more intense and more frequent floods due to climate change, including two devastating, 500-year floods in the last decade; The public has not been given sufficient opportunity to voice comments and concerns.

WCMP should not rely on the Army Corps process and needs to hold a separate public hearing specifically about Line 5's impacts to Wisconsin's coastal resources.

# Federal Consistency Public Comment Form

7/10/2024 8:49:47 PM

## Introduction

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## Federal Consistency Public Comment Form

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**Select a project for comment::** Line 5

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WCMP will not host a separate public hearing.

**Your Name or Organization:** Jo Haberman

*Please note that providing your name or organization is not necessary or required. The State of Wisconsin will not follow up.*

**Comments::** The Line 5 re-route is inconsistent with Wisconsin's Coastal Policies in the following ways: The required permits have not been obtained or produced by Enbridge; therefore only inadequate information has been provided on the project's impacts, nowhere near what is needed to determine consistency with the state's coastal policies. Enbridge has an abysmal safety record and history of oil disasters; spills are reasonably predictable and threaten Wisconsin's coastal areas, wildlife, trout streams, recreation, and groundwater. During construction of the reroute, flooding poses a serious threat and could be exacerbated by permanent changes to how water naturally moves along the corridor. Due to climate change, the region has seen more intense and

more frequent floods, including two devastating, 500-year floods in the last decade. WCMP should not rely on the Army Corps process and needs to hold a separate public hearing specifically about Line 5's impacts to Wisconsin's coastal resources. It's critically important that the public be given sufficient opportunity to voice comments and concerns, and this has not happened. Thank you for your consideration of these comments.

# Federal Consistency Public Comment Form

8/2/2024 11:41:26 AM

## Introduction

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## Federal Consistency Public Comment Form

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WCMP will not host a separate public hearing.

**Your Name or Organization:** Aubin for Chilli

*Please note that providing your name or organization is not necessary or required. The State of Wisconsin will not follow up.*

**Comments::** Enbridge does not have the required permits and has not provided enough information on the project's impacts to determine consistency with the state's coastal policies; Because Enbridge has a poor safety record and a history of oil disasters, spills are foreseeable and threaten Wisconsin's coastal areas, wildlife, trout streams, recreation, and groundwater; Flooding is a serious threat during construction of the reroute and could be exacerbated by permanent changes to how water naturally moves along the corridor. The region has seen more intense and more frequent floods due to climate change, including two devastating, 500-year floods in the last decade; The public has not been given sufficient opportunity to voice comments and concerns.

WCMP should not rely on the Army Corps process and needs to hold a separate public hearing specifically about Line 5's impacts to Wisconsin's coastal resources.

# Federal Consistency Public Comment Form

7/10/2024 3:02:53 PM

## Introduction

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## Federal Consistency Public Comment Form

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**Select a project for comment::** Line 5

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WCMP will not host a separate public hearing.

**Your Name or Organization:** Doug La follette

*Please note that providing your name or organization is not necessary or required. The State of Wisconsin will not follow up.*

**Comments::** Stop this dangerous, unnecessary project now.

# Federal Consistency Public Comment Form

7/11/2024 9:31:56 AM

## Introduction

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**Select a project for comment::** Line 5

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WCMP will not host a separate public hearing.

**Your Name or Organization:**

*Please note that providing your name or organization is not necessary or required. The State of Wisconsin will not follow up.*

**Comments::** Because Enbridge has a poor safety record and a history of oil disasters, spills are foreseeable and threaten Wisconsin's coastal areas, wildlife, trout streams, recreation, and groundwater; Flooding is a serious threat during construction of the reroute and could be exacerbated by permanent changes to how water naturally moves along the corridor. The region has seen more intense and more frequent floods due to climate change, including two devastating, 500-year floods in the last decade; Enbridge does not have the required permits and has not provided enough information on the project's impacts to determine consistency with the state's

coastal policies; WCMP should not rely on the Army Corps process and needs to hold a separate public hearing specifically about Line 5's impacts to Wisconsin's coastal resources.

# Federal Consistency Public Comment Form

7/10/2024 4:41:08 PM

## Introduction

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## Federal Consistency Public Comment Form

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WCMP will not host a separate public hearing.

**Your Name or Organization:** Phyllis Christie

*Please note that providing your name or organization is not necessary or required. The State of Wisconsin will not follow up.*

**Comments::** WCMP: I disagree with the proposal to run Line 5 through the tribal lands and our clean woodlands and fields.

# Federal Consistency Public Comment Form

7/10/2024 11:49:57 AM

## Introduction

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Refer to the [state's specific coastal policies](#).

## Federal Consistency Public Comment Form

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**Select a project for comment::** Line 5

The Wisconsin Coastal Management Program (WCMP), State of Wisconsin, Department of Administration, has received correspondence from the United States Army Corps of Engineers, St. Paul District Division (Corps) and Enbridge Energy, Limited Partnership, on activities associated with the construction of the proposed Line 5 Wisconsin segment relocation project. The proposed activities are subject to review for consistency under the policies of the Wisconsin Coastal Management Program (WCMP).

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WCMP will not host a separate public hearing.

**Your Name or Organization:**

*Please note that providing your name or organization is not necessary or required. The State of Wisconsin will not follow up.*

**Comments::** Please do not allow the further devastation of our water, air, and land by allowing construction of Line 5.

# Federal Consistency Public Comment Form

7/10/2024 12:40:17 PM

## Introduction

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## Federal Consistency Public Comment Form

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WCMP will not host a separate public hearing.

**Your Name or Organization:** Janet Wolfe

*Please note that providing your name or organization is not necessary or required. The State of Wisconsin will not follow up.*

**Comments::** Cancel Line 5 to preserve environment.

# Federal Consistency Public Comment Form

7/12/2024 9:38:01 AM

## Introduction

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## Federal Consistency Public Comment Form

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**Select a project for comment::** Line 5

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**Your Name or Organization:**

*Please note that providing your name or organization is not necessary or required. The State of Wisconsin will not follow up.*

**Comments::** please reject the line 5 reroute. they have a poor safety record and do not have the proper permits.

# Federal Consistency Public Comment Form

7/11/2024 3:05:35 AM

## Introduction

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## Federal Consistency Public Comment Form

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WCMP will not host a separate public hearing.

**Your Name or Organization:** Judith Brey

*Please note that providing your name or organization is not necessary or required. The State of Wisconsin will not follow up.*

**Comments::** The Line 5 Reroute is inconsistent with Wisconsin's Coastal Policies because: Enbridge does not have the required permits and has not provided enough information on the project's impacts to determine consistency with the state's coastal policies; Because Enbridge has a poor safety record and a history of oil disasters, spills are foreseeable and threaten Wisconsin's coastal areas, wildlife, trout streams, recreation, and groundwater; Flooding is a serious threat during construction of the reroute and could be exacerbated by permanent changes to how water naturally moves along the corridor. The region has seen more intense and more frequent floods due to climate change, including two devastating, 500-year floods in the last decade; The public has

not been given sufficient opportunity to voice comments and concerns. WCMP should not rely on the Army Corps process and needs to hold a separate public hearing specifically about Line 5's impacts to Wisconsin's coastal resources.

# Federal Consistency Public Comment Form

7/10/2024 7:33:24 PM

## Introduction

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## Federal Consistency Public Comment Form

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WCMP will not host a separate public hearing.

**Your Name or Organization:**

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**Comments::** This is inconsistent with Wisconsin coastal policies because Enbridge does not have the required permits and has not provided enough information on the project's impacts to determine consistency with the state's coastal policies. Enbridge has a poor safety record and a history of oil disasters, spills are foreseeable and threaten Wisconsin's coastal areas, wildlife, trout streams, recreation, and groundwater. Flooding is a serious threat during construction of the reroute and could be exacerbated by permanent changes to how water naturally moves along the corridor. The region has seen more intense and more frequent floods due to climate change, including two devastating, 500-year floods in the last decade. The public has not been given

sufficient opportunity to voice comments and concerns. WCMP should not rely on the Army Corps process and needs to hold a separate public hearing specifically about Line 5's impacts to Wisconsin's coastal resources.

# Federal Consistency Public Comment Form

7/18/2024 7:10:28 PM

## Introduction

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## Federal Consistency Public Comment Form

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**Select a project for comment::** Line 5

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WCMP will not host a separate public hearing.

**Your Name or Organization:** Dr. Kayla Matz

*Please note that providing your name or organization is not necessary or required. The State of Wisconsin will not follow up.*

**Comments::** As a scientist and environmental science teacher, I strongly stand for the shutdown of the Pipeline 5 project. I live in Racine Wisconsin, 1 mile from Lake Michigan. We know from knowledge of waterways and the Great Lakes that we are truly interconnected. When this pipeline continues to leak, not if, it will continue to ruin our beautiful land and water, our economy, traditional way of life, and our health. We also know that oil spills do not go away quickly or easily. Those people affected often carry life long health problems, and the damage to habitats and

wildlife last for decades. I strongly stand for the rejection of the proposal by Enbridge in relation to the Pipeline 5 relocation and call for the complete shutdown of Pipeline 5.

# Federal Consistency Public Comment Form

8/4/2024 2:35:35 PM

## Introduction

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## Federal Consistency Public Comment Form

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**Select a project for comment::** Line 5

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WCMP will not host a separate public hearing.

**Your Name or Organization:** Leanna Goose

*Please note that providing your name or organization is not necessary or required. The State of Wisconsin will not follow up.*

**Comments::** Please reject the line 5 reroute this pipeline threatens one of the Earth's greatest freshwater resources. We need clean water for our survival and cannot drink oil. Let's get our priorities straight reject line 5

# Federal Consistency Public Comment Form

8/2/2024 8:28:46 PM

## Introduction

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## Federal Consistency Public Comment Form

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**Select a project for comment::** Line 5

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WCMP will not host a separate public hearing.

**Your Name or Organization:** Lily Howland

*Please note that providing your name or organization is not necessary or required. The State of Wisconsin will not follow up.*

**Comments::** Enbridge does not have the required permits and has not provided enough information on the project's impacts to determine consistency with the state's coastal policies; Because Enbridge has a poor safety record and a history of oil disasters, spills are foreseeable and threaten Wisconsin's coastal areas, wildlife, trout streams, recreation, and groundwater; Flooding is a serious threat during construction of the reroute and could be exacerbated by permanent changes to how water naturally moves along the corridor. The region has seen more intense and more frequent floods due to climate change, including two devastating, 500-year floods in the last decade; The public has not been given sufficient opportunity to voice comments and concerns.

WCMP should not rely on the Army Corps process and needs to hold a separate public hearing specifically about Line 5's impacts to Wisconsin's coastal resources.

# Federal Consistency Public Comment Form

8/4/2024 3:05:44 AM

## Introduction

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## Federal Consistency Public Comment Form

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**Select a project for comment::** Line 5

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WCMP will not host a separate public hearing.

**Your Name or Organization:** Yvan Le Hen

*Please note that providing your name or organization is not necessary or required. The State of Wisconsin will not follow up.*

**Comments::** Enbridge does not have the required permits and has not provided enough information on the project's impacts to determine consistency with the state's coastal policies; Because Enbridge has a poor safety record and a history of oil disasters, spills are foreseeable and threaten Wisconsin's coastal areas, wildlife, trout streams, recreation, and groundwater; Flooding is a serious threat during construction of the reroute and could be exacerbated by permanent changes to how water naturally moves along the corridor. The region has seen more intense and more frequent floods due to climate change, including two devastating, 500-year floods in the last decade; The public has not been given sufficient opportunity to voice comments and concerns.

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# Federal Consistency Public Comment Form

8/2/2024 12:07:56 PM

## Introduction

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## Federal Consistency Public Comment Form

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**Select a project for comment::** Line 5

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WCMP will not host a separate public hearing.

**Your Name or Organization:** Tre Smith

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**Comments::** Enbridge does not have the required permits and has not provided enough information on the project's impacts to determine consistency with the state's coastal policies; Because Enbridge has a poor safety record and a history of oil disasters, spills are foreseeable and threaten Wisconsin's coastal areas, wildlife, trout streams, recreation, and groundwater; Flooding is a serious threat during construction of the reroute and could be exacerbated by permanent changes to how water naturally moves along the corridor. The region has seen more intense and more frequent floods due to climate change, including two devastating, 500-year floods in the last decade; The public has not been given sufficient opportunity to voice comments and concerns.

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# Federal Consistency Public Comment Form

8/2/2024 4:10:18 PM

## Introduction

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## Federal Consistency Public Comment Form

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WCMP will not host a separate public hearing.

**Your Name or Organization:**

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**Comments::** Enbridge does not have the required permits and has not provided enough information on the project's impacts to determine consistency with the state's coastal policies; Because Enbridge has a poor safety record and a history of oil disasters, spills are foreseeable and threaten Wisconsin's coastal areas, wildlife, trout streams, recreation, and groundwater; Flooding is a serious threat during construction of the reroute and could be exacerbated by permanent changes to how water naturally moves along the corridor. The region has seen more intense and more frequent floods due to climate change, including two devastating, 500-year floods in the last decade; The public has not been given sufficient opportunity to voice comments and concerns.

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# Federal Consistency Public Comment Form

7/10/2024 1:35:02 PM

## Introduction

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## Federal Consistency Public Comment Form

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WCMP will not host a separate public hearing.

**Your Name or Organization:** Wendy Honold

*Please note that providing your name or organization is not necessary or required. The State of Wisconsin will not follow up.*

**Comments::** Line 5 Reroute is Inconsistent with Wisconsin's Coastal Policies because: \*Enbridge does not have the required permits and has not provided enough information on the project's impacts to determine consistency with the state's coastal policies; \*Because Enbridge has a poor safety record and a history of oil disasters, spills are foreseeable and threaten Wisconsin's coastal areas, wildlife, trout streams, recreation, and groundwater; \*Flooding is a serious threat during construction of the reroute and could be exacerbated by permanent changes to how water naturally moves along the corridor. The region has seen more intense and more frequent floods due to climate change, including two devastating, 500-year floods in the last decade; \*The public

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# Federal Consistency Public Comment Form

7/11/2024 10:20:42 AM

## Introduction

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## Federal Consistency Public Comment Form

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**Select a project for comment::** Line 5

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WCMP will not host a separate public hearing.

**Your Name or Organization:** Bruce Barrett

*Please note that providing your name or organization is not necessary or required. The State of Wisconsin will not follow up.*

**Comments::** Line 5 should not be approved, for two main reasons: (1) the history of spills and lack of effective clean-up tell us that significant environmental damage is likely to occur, and (2) the climate catastrophe caused by global heating comes from greenhouse gases from burning fossil fuels. We must radically reduce this from of energy. Pipelines should be shut down, not approved.

# Federal Consistency Public Comment Form

7/10/2024 1:33:21 PM

## Introduction

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## Federal Consistency Public Comment Form

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**Select a project for comment::** Line 5

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WCMP will not host a separate public hearing.

**Your Name or Organization:** Lara Hau

*Please note that providing your name or organization is not necessary or required. The State of Wisconsin will not follow up.*

**Comments::** We are stewards of 20% of the fresh water on the ENTIRE earth. It is our primary responsibility to make sure nothing is a contamination threat. Go reroute that over non-watershed area.

# Federal Consistency Public Comment Form

7/11/2024 5:15:21 PM

## Introduction

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## Federal Consistency Public Comment Form

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**Select a project for comment::** Line 5

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WCMP will not host a separate public hearing.

**Your Name or Organization:** George Prudent

*Please note that providing your name or organization is not necessary or required. The State of Wisconsin will not follow up.*

**Comments::** Line 5 will be detrimental to our remaing clean environment and must be stopped.

# Federal Consistency Public Comment Form

8/3/2024 12:53:36 PM

## Introduction

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WCMP will not host a separate public hearing.

**Your Name or Organization:** Aenea Kanaan

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**Comments::** Enbridge does not have the required permits and has not provided enough information on the project's impacts to determine consistency with the state's coastal policies; Because Enbridge has a poor safety record and a history of oil disasters, spills are foreseeable and threaten Wisconsin's coastal areas, wildlife, trout streams, recreation, and groundwater; Flooding is a serious threat during construction of the reroute and could be exacerbated by permanent changes to how water naturally moves along the corridor. The region has seen more intense and more frequent floods due to climate change, including two devastating, 500-year floods in the last decade; The public has not been given sufficient opportunity to voice comments and concerns.

WCMP should not rely on the Army Corps process and needs to hold a separate public hearing specifically about Line 5's impacts to Wisconsin's coastal resources.

# Federal Consistency Public Comment Form

8/2/2024 9:16:46 PM

## Introduction

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WCMP will not host a separate public hearing.

**Your Name or Organization:**

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**Comments::** Enbridge does not have the required permits and has not provided enough information on the project's impacts to determine consistency with the state's coastal policies; Because Enbridge has a poor safety record and a history of oil disasters, spills are foreseeable and threaten Wisconsin's coastal areas, wildlife, trout streams, recreation, and groundwater; Flooding is a serious threat during construction of the reroute and could be exacerbated by permanent changes to how water naturally moves along the corridor. The region has seen more intense and more frequent floods due to climate change, including two devastating, 500-year floods in the last decade; The public has not been given sufficient opportunity to voice comments and concerns.

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# Federal Consistency Public Comment Form

8/2/2024 12:33:31 PM

## Introduction

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## Federal Consistency Public Comment Form

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**Select a project for comment::** Line 5

The Wisconsin Coastal Management Program (WCMP), State of Wisconsin, Department of Administration, has received correspondence from the United States Army Corps of Engineers, St. Paul District Division (Corps) and Enbridge Energy, Limited Partnership, on activities associated with the construction of the proposed Line 5 Wisconsin segment relocation project. The proposed activities are subject to review for consistency under the policies of the Wisconsin Coastal Management Program (WCMP).

**Update: WCMP has extended the deadline to August 4, 2024.** Please note that, while the form had an original deadline of June 21, comments will be accepted through August 4.

The Corps conducted a public hearing on June 4 in Ashland, Wisconsin. View [more information on the public hearing](#).

WCMP will not host a separate public hearing.

**Your Name or Organization:**

*Please note that providing your name or organization is not necessary or required. The State of Wisconsin will not follow up.*

**Comments::** Enbridge does not have the required permits and has not provided enough information on the project's impacts to determine consistency with the state's coastal policies; Because Enbridge has a poor safety record and a history of oil disasters, spills are foreseeable and threaten Wisconsin's coastal areas, wildlife, trout streams, recreation, and groundwater; Flooding is a serious threat during construction of the reroute and could be exacerbated by permanent changes to how water naturally moves along the corridor. The region has seen more intense and more frequent floods due to climate change, including two devastating, 500-year floods in the last decade; The public has not been given sufficient opportunity to voice comments and concerns.

WCMP should not rely on the Army Corps process and needs to hold a separate public hearing specifically about Line 5's impacts to Wisconsin's coastal resources.

# Federal Consistency Public Comment Form

7/26/2024 1:25:29 PM

## Introduction

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## Federal Consistency Public Comment Form

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WCMP will not host a separate public hearing.

**Your Name or Organization:** Clean Wisconsin

*Please note that providing your name or organization is not necessary or required. The State of Wisconsin will not follow up.*

**Comments::** Sent via email and online portal Mr. Michael Friis Wisconsin Coastal Management Program 101 E Wilson Street, 2nd Floor P.O. Box 8944 Madison, Wisconsin 53708 Michael.friis@wisconsin.gov Re: Comment Deadline Extension Request Dear Mr. Friis, You may be aware that the Army Corps of Engineers issued Notice(1) of a Second Time Extension for comments on its Draft Combined Decision Document for Enbridge's proposed Line 5 reroute project. The Corps granted this extension to allow the public sufficient time to review the lengthy DCDD, including several appendices that have been updated during the ongoing comment period, as recently as July 12. The deadline for comments to the Corps is now August 30. Clean Wisconsin

respectfully requests that WCMP extend the comment period for its consistency review of the Line 5 reroute proposal until at least August 30, to match the Corps' new deadline. As WCMP is responsible for ensuring federal activities are consistent with the state's coastal policies, we believe a deadline extension is warranted for the same reasons one was granted by the Corps—voluminous documents crucial to the public's review of the project were not finalized until just weeks before the previous deadline. We believe allowing the public more time to review the Corps' documents will result in more informative comments being submitted during WCMP's review as well. Thank you for your consideration of this request. Best Regards, Brett Korte  
Brett Korte Staff Attorney | Clean Wisconsin bkorte@cleanwisconsin.org (1)  
<https://www.mvp.usace.army.mil/Portals/57/docs/regulatory/WI-Special/WiL5R%20NOA%20Draft%20EA%20PN%20Time%20Extension%202%2020240726%20final.pdf?ver=02yX73l6gsq-ITzzkW-LoA%3d%3d608.251.7020x327>

# Federal Consistency Public Comment Form

7/10/2024 2:43:29 PM

## Introduction

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## Federal Consistency Public Comment Form

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WCMP will not host a separate public hearing.

**Your Name or Organization:** Linda Mueller

*Please note that providing your name or organization is not necessary or required. The State of Wisconsin will not follow up.*

**Comments::** I'm very concerned that Wisconsin has clean waters and shoreline for my grandchildren, great-grandchildren and beyond. This planet is our responsibility and we have been very irresponsible and greedy. Do NOT destroy our waters any more!

# Federal Consistency Public Comment Form

7/10/2024 4:52:10 PM

## Introduction

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## Federal Consistency Public Comment Form

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**Select a project for comment::** Line 5

The Wisconsin Coastal Management Program (WCMP), State of Wisconsin, Department of Administration, has received correspondence from the United States Army Corps of Engineers, St. Paul District Division (Corps) and Enbridge Energy, Limited Partnership, on activities associated with the construction of the proposed Line 5 Wisconsin segment relocation project. The proposed activities are subject to review for consistency under the policies of the Wisconsin Coastal Management Program (WCMP).

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WCMP will not host a separate public hearing.

**Your Name or Organization:** Mark Caso

*Please note that providing your name or organization is not necessary or required. The State of Wisconsin will not follow up.*

**Comments::** Please, Reject the Line 5 Reroute as it is inconsistent with Wisconsin's Coastal Management Policies.

# Federal Consistency Public Comment Form

7/10/2024 9:03:28 PM

## Introduction

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## Federal Consistency Public Comment Form

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**Select a project for comment::** Line 5

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WCMP will not host a separate public hearing.

**Your Name or Organization:** Meghan Pierce

*Please note that providing your name or organization is not necessary or required. The State of Wisconsin will not follow up.*

**Comments::** Line 5 Reroute is Inconsistent with Wisconsin's Coastal Policies because: Enbridge does not have the required permits and has not provided enough information on the project's impacts to determine consistency with the state's coastal policies; Because Enbridge has a poor safety record and a history of oil disasters, spills are foreseeable and threaten Wisconsin's coastal areas, wildlife, trout streams, recreation, and groundwater; Flooding is a serious threat during construction of the reroute and could be exacerbated by permanent changes to how water naturally moves along the corridor. The region has seen more intense and more frequent floods due to climate change, including two devastating, 500-year floods in the last decade; The public has

not been given sufficient opportunity to voice comments and concerns. WCMP should not rely on the Army Corps process and needs to hold a separate public hearing specifically about Line 5's impacts to Wisconsin's coastal resources.

# Federal Consistency Public Comment Form

8/2/2024 12:03:47 PM

## Introduction

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## Federal Consistency Public Comment Form

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**Select a project for comment::** Line 5

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WCMP will not host a separate public hearing.

**Your Name or Organization:** Isabella from Youth Climate Finance Alliance

*Please note that providing your name or organization is not necessary or required. The State of Wisconsin will not follow up.*

**Comments::** Enbridge does not have the required permits and has not provided enough information on the project's impacts to determine consistency with the state's coastal policies; Because Enbridge has a poor safety record and a history of oil disasters, spills are foreseeable and threaten Wisconsin's coastal areas, wildlife, trout streams, recreation, and groundwater; Flooding is a serious threat during construction of the reroute and could be exacerbated by permanent changes to how water naturally moves along the corridor. The region has seen more intense and more frequent floods due to climate change, including two devastating, 500-year floods in the last decade; The public has not been given sufficient opportunity to voice comments and concerns.

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# Federal Consistency Public Comment Form

8/2/2024 11:55:48 AM

## Introduction

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## Federal Consistency Public Comment Form

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WCMP will not host a separate public hearing.

**Your Name or Organization:**

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**Comments::** Enbridge does not have the required permits and has not provided enough information on the project's impacts to determine consistency with the state's coastal policies; Because Enbridge has a poor safety record and a history of oil disasters, spills are foreseeable and threaten Wisconsin's coastal areas, wildlife, trout streams, recreation, and groundwater; Flooding is a serious threat during construction of the reroute and could be exacerbated by permanent changes to how water naturally moves along the corridor. The region has seen more intense and more frequent floods due to climate change, including two devastating, 500-year floods in the last decade; The public has not been given sufficient opportunity to voice comments and concerns.

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# Federal Consistency Public Comment Form

7/11/2024 1:26:23 AM

## Introduction

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## Federal Consistency Public Comment Form

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**Select a project for comment::** Line 5

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WCMP will not host a separate public hearing.

**Your Name or Organization:**

*Please note that providing your name or organization is not necessary or required. The State of Wisconsin will not follow up.*

**Comments::** The Line 5 Reroute is Inconsistent with Wisconsin's Coastal Policies. Enbridge does not have the required permits and has not provided enough information on the project's impacts to determine consistency with the state's coastal policies; Enbridge has a poor safety record and a history of oil disasters, spills are foreseeable and threaten Wisconsin's coastal areas, wildlife, trout streams, recreation, and groundwater; Flooding is a serious threat during construction of the reroute and could be exacerbated by permanent changes to how water naturally moves along the

corridor. The region has seen more intense and more frequent floods due to climate change, including two devastating, 500-year floods in the last decade.

# Federal Consistency Public Comment Form

8/2/2024 12:36:18 PM

## Introduction

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## Federal Consistency Public Comment Form

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WCMP will not host a separate public hearing.

**Your Name or Organization:** Kayla

*Please note that providing your name or organization is not necessary or required. The State of Wisconsin will not follow up.*

**Comments::** Enbridge does not have the required permits and has not provided enough information on the project's impacts to determine consistency with the state's coastal policies; Because Enbridge has a poor safety record and a history of oil disasters, spills are foreseeable and threaten Wisconsin's coastal areas, wildlife, trout streams, recreation, and groundwater; Flooding is a serious threat during construction of the reroute and could be exacerbated by permanent changes to how water naturally moves along the corridor. The region has seen more intense and more frequent floods due to climate change, including two devastating, 500-year floods in the last decade; The public has not been given sufficient opportunity to voice comments and concerns.

WCMP should not rely on the Army Corps process and needs to hold a separate public hearing specifically about Line 5's impacts to Wisconsin's coastal resources.

# Federal Consistency Public Comment Form

7/10/2024 11:32:11 PM

## Introduction

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## Federal Consistency Public Comment Form

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WCMP will not host a separate public hearing.

**Your Name or Organization:** Stephanie L. Eastwood

*Please note that providing your name or organization is not necessary or required. The State of Wisconsin will not follow up.*

**Comments::** I'm very against allowing Enbridge to continue pumping oil through northern Wisconsin. The proposed reroute of Enbridge's Line 5 outside the boundaries of Bad River Ojibwe land does nothing to remove the risk to some of the most fragile, wild wetlands you will find anywhere on earth. I love our beautiful northern Wisconsin lands & waters & urge you to rigorously protect the waters that flow into Lake Superior. Enbridge has a history of oil spills, including failures along Line 5. \* Flooding is a serious threat during construction of the reroute and could be exacerbated by permanent changes to how water naturally moves along the corridor. The region has seen more intense and more frequent floods due to climate change, including two devastating,

500-year floods in the last decade; \* The public has not been given sufficient opportunity to voice comments and concerns. WCMP should not rely on the Army Corps process and needs to hold a separate public hearing specifically about Line 5's impacts to Wisconsin's coastal resources. Thank you for this opportunity to opine.

# Federal Consistency Public Comment Form

7/11/2024 3:10:54AM

## Introduction

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## Federal Consistency Public Comment Form

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WCMP will not host a separate public hearing.

**Your Name or Organization:** Herman H Whiterabbit

*Please note that providing your name or organization is not necessary or required. The State of Wisconsin will not follow up.*

**Comments::** I wish to speak about the current assessment of Enbridge's proposed reroute of the Line 5 pipeline. The Corps' draft is insufficient and must be upgraded to a full Environmental Impact Statement. Above all, given the concerns this project poses, the Corps should ultimately reject this permit. Approving these permits would needlessly jeopardize Tribal rights, irreplaceable watersheds, communities across the Great Lakes region, and the broader global community through the impacts of climate change just to maximize the profits of a multibillion-dollar oil conglomerate. A federal judge has found that Line 5 has been illegally trespassing on the Bad River Band reservation since 2013 and ordered a shut down by June of 2026. This decision must be

acknowledged in the Corps' analysis of the public interest and the purpose and need of the project. Shutting down Line 5 is a reasonable alternative to permitting the re-route, and the Corps cannot ignore information that supports a shut down. The public interest evaluation must also include the costs of an oil spill. While shutting down Line 5 would have little impact on jobs, prices, or fuel supplies in Wisconsin, an oil spill along the pipeline could eviscerate local economies, and generations of cultural practice and identity for members of the Bad River Band and other Ojibwe peoples, who have relied on the wild rice, the fish, and the watershed for centuries. The proposed reroute jeopardizes the rights reserved by eleven Ojibwe tribes to hunt, fish and gather in 1842 treaty territory. The EPA has warned that the reroute project will have "substantial and unacceptable" impacts on the Bad River and on the Kakagon-Bad River Sloughs, yet the Corps improperly characterizes these impacts. These would be permanent conversions of wetlands, many of which provide critical habitat for biodiversity and wildlife and protect the larger ecosystem from severe storms and erosion. Enbridge's track record indicates that they cannot be trusted. Their construction of Line 3 in Minnesota caused enormous damage through frac-outs and aquifer breaches, which caused nearly 300 million gallons of groundwater to flow to the surface, incurring fines and a criminal charge for Enbridge. They have proposed the same process for the reroute, and we cannot risk the damage that will likely occur to safe drinking water and water-dependent ecosystems. The oil Line 5 carries is exacerbating the climate crisis, causing untold damage. New NEPA guidance from the Biden Administration clarifies that agencies – such as the Corps – should consider the effects of climate change in environmental reviews and encourage identification of reasonable alternatives that will mitigate climate impacts. In this case, the only reasonable alternative is a shut down of the pipeline. I expect that the Corps will fully consider climate impacts and identify the no action alternative as the best course of action. I hereby urge you to conduct a full EIS and ultimately deny this permit.

# Federal Consistency Public Comment Form

8/4/2024 10:53:50 AM

## Introduction

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## Federal Consistency Public Comment Form

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**Select a project for comment::** Line 5

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WCMP will not host a separate public hearing.

**Your Name or Organization:** Janice M and John Richard Penn

*Please note that providing your name or organization is not necessary or required. The State of Wisconsin will not follow up.*

**Comments::** 8/4/24 To the Wisconsin Coastal Management Plan team, Thank you for this opportunity submit written comment for Enbridge's Line 5 expansion around the Bad River Reservation in the watershed and its consistency with the Wisconsin Coastal Policies. (WCMP) I am Janice M. Penn. My husband John Richard Penn (Rick) and I are listed as abutters in the Enbridge Line 5 permit. We have lived for 50+ years on 40 acres, on Billy Creek. Billy Creek is 1 of 2 Class 1 trout streams in Ashland County, in the Marengo River sub-watershed of the Bad River Watershed, in the ceded territory of the Anishinaabe. We count 16 seeps on the east side of the creek's deep ravine flowing into the creek and wetlands, contiguous with wetlands along the proposed Enbridge

Line 5 new route through the neighborhood. We ask the WCMP not rely on the Army Corps process and rather to hold a separate public hearing specifically about Line 5's impacts to Wisconsin's coastal resources. We request this in person hearing be held in the Bad River Watershed with arrangements for virtual participation, thus enabling full citizen engagement. The request is based on the following which support the fact today's deadline for WCMP comment does not meet the goal of public engagement:

- The ACE June 4 hearing was set as an in person only event, after having issued a lengthy document less than two weeks prior. Their written comment period was fraught with issues including the inability for many citizens to open portions of the document. The sheer volume itself, with amendments that were not noticed the public until the most recent extension for comments, has demanded for our family over 100 hours of analysis. Public comments will continue to be submitted until August 30.
- Enbridge does not have the required permits and has not provided enough information on the project's impacts to determine consistency with the state's coastal policies. The Wisconsin DNR has not completed their response to the dEIS. The ACE's EA falls short of adequate information necessary for public analysis and we with many others are demanding a full EIS.
- Enbridge has a poor safety record and a history of oil disasters, spills are foreseeable and threaten Wisconsin's coastal areas, wildlife, trout streams, recreation, and groundwater. Enbridge pipelines, including Line 5, have spilled 33 times since 1968 and have released 1.1 million gallons of toxic oil into the environment. The Line 5 reroute would cross nearly 200 waterbodies and more than 100 acres of wetlands, putting some of Wisconsin's most treasured coastal natural areas, including Lake Superior, at risk.
- Flooding is a serious threat during construction and maintenance of the new route and could be exacerbated by permanent changes to how water naturally moves along the corridor. The region has seen more intense and more frequent floods due to climate change, including two devastating, 500-year floods in the last decade. The July 2016 flood resulted in flashy runoff beginning in the uplands. The ongoing impacts are continuing in the downstream red clay plains of the watersheds. Recovery in the uplands of the Penokees has been slow and if anything, unstable soils have contributed to an increase in the flashy nature of runoff and further environmental threats within the watershed and coastal lands. As a single caretaker of this 40-acre plot, we have spend over \$14000 on damages to the our driveway and septic. The total agency cost in NW Wisconsin is reported at \$38,400,199 with Ashland/Bayfield Counties accounting for \$16, 120,997.
- The Bad River Tribe has clearly demanded Line 5 out of the entire watershed which includes ceded lands protected by established Treaties. The Tribe must be at the table during any determination of compliance with their environmental standards as they interact with the Wisconsin Coastal Management Plan.

Thank you for acting on our request for an independent hearing as stated above. Sincerely, Janice M. Penn John Richad Penn 38792 Poppe Rd, Highbridge, WI 54846 (janmmpenn@yahoo.com or 715-274-2942)

# Federal Consistency Public Comment Form

7/10/2024 12:59:55 PM

## Introduction

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## Federal Consistency Public Comment Form

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**Select a project for comment::** Line 5

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WCMP will not host a separate public hearing.

**Your Name or Organization:** mark pass

*Please note that providing your name or organization is not necessary or required. The State of Wisconsin will not follow up.*

**Comments::** Einbridge proposed line reroute should not be approved due to: Einbridge #5 Pipeline safety record is poor. Given past history the probability is that a failure will occur and seriously damage the environment, it's waterways, wetlands and lakes. Construction of the rerouted Pipeline will also have the potential to again damage the environment due to flooding. The reroute proposal is a bad idea, because of its great risk and should not be approved.

# Federal Consistency Public Comment Form

7/10/2024 1:44:54 PM

## Introduction

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## Federal Consistency Public Comment Form

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**Select a project for comment::** Line 5

The Wisconsin Coastal Management Program (WCMP), State of Wisconsin, Department of Administration, has received correspondence from the United States Army Corps of Engineers, St. Paul District Division (Corps) and Enbridge Energy, Limited Partnership, on activities associated with the construction of the proposed Line 5 Wisconsin segment relocation project. The proposed activities are subject to review for consistency under the policies of the Wisconsin Coastal Management Program (WCMP).

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WCMP will not host a separate public hearing.

**Your Name or Organization:** Bobbi Rongstad

*Please note that providing your name or organization is not necessary or required. The State of Wisconsin will not follow up.*

**Comments::** Line 5 is a nightmare. Already over 70 years old, it's a threat to Lake Superior and surrounding waters as is. Now they propose to expand it just barely outside the Bad River Reservation but crossing almost every single waterway that flows into the Bad River. I live a mile from the existing line and 1/4 from the proposed expansion. I know these rivers, valleys, banks and gullies. I saw the devastation resulting from the 2016 flooding. If another extreme weather event caused erosion that exposed and damaged the pipeline, there is no way the company could get there to repair it. No way to clean up the oil. These are fast, flashy streams that move quickly toward the lake. Our roads are remote, mostly gravel and sometimes impassable. Wisconsin

receives nothing from Line 5 in spite of Enbridge's constant propaganda in local media. It is a Canadian company moving Canadian oil back to Canada for the benefit of its shareholders. Period. The permit for expansion around Bad River should be declined. The existing line should be shut down.

# Federal Consistency Public Comment Form

7/11/2024 10:27:07 AM

## Introduction

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## Federal Consistency Public Comment Form

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WCMP will not host a separate public hearing.

**Your Name or Organization:** Karen M Fischbach

*Please note that providing your name or organization is not necessary or required. The State of Wisconsin will not follow up.*

**Comments::** Line 5 needs to be decommissioned and removed as soon as possible to protect the Great Lakes, and all those who depend upon fresh water to survive.

# Federal Consistency Public Comment Form

7/19/2024 10:49:00 AM

## Introduction

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## Federal Consistency Public Comment Form

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WCMP will not host a separate public hearing.

**Your Name or Organization:** Ann

*Please note that providing your name or organization is not necessary or required. The State of Wisconsin will not follow up.*

**Comments::** There has been extensive research information about Line 5 and why it is detrimental to Wisconsin. Plainly written is the question Why is Line 5 allowed at all when it doesn't benefit Wisconsin but poses clear and present danger to our land , waters and environment.? If Enbridge wants these pipes then have them run them through Canadian land not wisconsin.

# Federal Consistency Public Comment Form

7/15/2024 10:34:58 AM

## Introduction

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## Federal Consistency Public Comment Form

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**Select a project for comment::** Line 5

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WCMP will not host a separate public hearing.

**Your Name or Organization:** Dondi Griffin

*Please note that providing your name or organization is not necessary or required. The State of Wisconsin will not follow up.*

**Comments::** REJECT Line 5! The project will come with an enormous environmental cost to Wisconsin's coasts. Enbridge pipelines, including Line 5, have spilled 33 times since 1968 and have released 1.1 million gallons of toxic oil into the environment. The Line 5 reroute would cross nearly 200 waterbodies and more than 100 acres of wetlands, putting some of Wisconsin's most treasured coastal natural areas, including Lake Superior, at risk.

# Federal Consistency Public Comment Form

7/11/2024 3:02:14AM

## Introduction

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## Federal Consistency Public Comment Form

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**Select a project for comment::** Line 5

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WCMP will not host a separate public hearing.

**Your Name or Organization:** N/A

*Please note that providing your name or organization is not necessary or required. The State of Wisconsin will not follow up.*

**Comments::** I wish to speak about Enbridge's proposed reroute of the Line 5 pipeline. This draft is insufficient and must be upgraded to a full Environmental Impact Statement. Above all, given the concerns this project poses, the Army Corps should ultimately reject this permit. Approving these permits would needlessly jeopardize Tribal rights, irreplaceable watersheds, communities across the Great Lakes region, and the broader global community through the impacts of climate change just to maximize the profits of a billion-dollar oil conglomerate. A federal judge has found that Line 5 has been illegally trespassing on the Bad River Band reservation since 2013 and ordered a shut down by June of 2026. This decision must be acknowledged in the Corps' analysis of the public

interest and the purpose and need of the project. Shutting down Line 5 is a reasonable alternative to permitting the re-route, and the Corps cannot ignore information that supports a shut down. The public interest evaluation must also include the costs of an oil spill. While shutting down Line 5 would have little impact on jobs, prices, or fuel supplies in Wisconsin, an oil spill along the pipeline could eviscerate local economies, and generations of cultural practice and identity for members of the Bad River Band and other Ojibwe peoples, who have relied on the wild rice, the fish, and the watershed for centuries. The proposed reroute jeopardizes the rights reserved by eleven Ojibwe tribes to hunt, fish and gather in 1842 treaty territory. The EPA has warned that the reroute project will have “substantial and unacceptable” impacts on the Bad River and on the Kakagon-Bad River Sloughs, yet the Corps improperly characterizes these impacts. These would be permanent conversions of wetlands, many of which provide critical habitat for biodiversity and wildlife and protect the larger ecosystem from severe storms and erosion. Enbridge's track record indicates that they cannot be trusted. Their construction of Line 3 in Minnesota caused enormous damage through frac-outs and aquifer breaches, which caused nearly 300 million gallons of groundwater to flow to the surface, incurring fines and a criminal charge for Enbridge. They have proposed the same process for the reroute, and we cannot risk the damage that will likely occur to safe drinking water and water-dependent ecosystems. The oil Line 5 carries is exacerbating the climate crisis, causing untold damage. New NEPA guidance from the Biden Administration clarifies that agencies – such as the Corps – should consider the effects of climate change in environmental reviews and encourage identification of reasonable alternatives that will mitigate climate impacts. In this case, the only reasonable alternative is a shut down of the pipeline. I expect that the Corps will fully consider climate impacts and identify the no action alternative as the best course of action. Given these concerns, I urge you to conduct a full EIS and ultimately deny this permit.

# Federal Consistency Public Comment Form

8/4/2024 7:54:59 PM

## Introduction

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## Federal Consistency Public Comment Form

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**Select a project for comment::** Line 5

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WCMP will not host a separate public hearing.

**Your Name or Organization:**

*Please note that providing your name or organization is not necessary or required. The State of Wisconsin will not follow up.*

**Comments::** I am submitting a comment regarding the Line 5 Reroute in Northern Wisconsin. This pipeline is entirely in the Lake Superior watershed and, as such, has been in an area where it probably should not have been placed. In the Ashland area, the city of Ashland takes it's water directly from Lake Superior, and Ashland and Bayfield Counties rely on groundwater from the "recharge zone" and aquifers that the proposed reroute will be going through. That is a huge risk for people that receive no benefit from this 70 year old pipeline, which should be decommissioned. Enbridge does not have a great safety risk (eg Kalamazoo oil spill in Michigan, and aquifer breaches in Northern Minnesota). This region relies on clean water not only for drinking, but also for its

economy (eg. Tourism, wildlife and recreation). We should not be continuing to put our economy in such jeopardy for a pipeline whose contents could be rerouted through other pipelines. The proposed reroute goes through terrain which is rocky, and will require blasting, and will be going through wetlands and doing HDD under rivers. The possibility of ruining fish habitat is high due to contamination by HDD products and drilling methods. Also, this area has experienced intense flooding, causing major washouts to the region due to its clay soils (which causes water to rush into Lake Superior). An event like this would be catastrophic during construction of a pipeline. Thank you for considering my concerns. I feel the Line 5 reroute is not in the best interest of Wisconsin coastal policies.

# Federal Consistency Public Comment Form

7/11/2024 7:36:57 PM

## Introduction

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## Federal Consistency Public Comment Form

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**Select a project for comment::** Line 5

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WCMP will not host a separate public hearing.

**Your Name or Organization:** William Utley

*Please note that providing your name or organization is not necessary or required. The State of Wisconsin will not follow up.*

**Comments::** Instead, let's promote and build solar, wind and other carbon free sources of energy.

# Federal Consistency Public Comment Form

8/4/2024 12:54:53 PM

## Introduction

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## Federal Consistency Public Comment Form

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WCMP will not host a separate public hearing.

**Your Name or Organization:**

*Please note that providing your name or organization is not necessary or required. The State of Wisconsin will not follow up.*

**Comments::** Enbridge does not have the required permits and has not provided enough information on the project's impacts to determine consistency with the state's coastal policies; Because Enbridge has a poor safety record and a history of oil disasters, spills are foreseeable and threaten Wisconsin's coastal areas, wildlife, trout streams, recreation, and groundwater; Flooding is a serious threat during construction of the reroute and could be exacerbated by permanent changes to how water naturally moves along the corridor. The region has seen more intense and more frequent floods due to climate change, including two devastating, 500-year floods in the last decade; The public has not been given sufficient opportunity to voice comments and concerns.

WCMP should not rely on the Army Corps process and needs to hold a separate public hearing specifically about Line 5's impacts to Wisconsin's coastal resources.

# Federal Consistency Public Comment Form

7/10/2024 2:03:58 PM

## Introduction

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## Federal Consistency Public Comment Form

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WCMP will not host a separate public hearing.

**Your Name or Organization:** self

*Please note that providing your name or organization is not necessary or required. The State of Wisconsin will not follow up.*

**Comments::** Do not ruin out natural environment for human hedonistic desires.

# Federal Consistency Public Comment Form

7/10/2024 6:59:21 PM

## Introduction

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## Federal Consistency Public Comment Form

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**Select a project for comment::** Line 5

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WCMP will not host a separate public hearing.

**Your Name or Organization:** Carol Soper

*Please note that providing your name or organization is not necessary or required. The State of Wisconsin will not follow up.*

**Comments::** I oppose the Enbridge project.

# Federal Consistency Public Comment Form

8/4/2024 11:35:25 AM

## Introduction

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## Federal Consistency Public Comment Form

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WCMP will not host a separate public hearing.

**Your Name or Organization:** Elizabeth Taylor

*Please note that providing your name or organization is not necessary or required. The State of Wisconsin will not follow up.*

**Comments::** Enbridge does not have the required permits and has not provided enough information on the project's impacts to determine consistency with the state's coastal policies; Because Enbridge has a poor safety record and a history of oil disasters, spills are foreseeable and threaten Wisconsin's coastal areas, wildlife, trout streams, recreation, and groundwater; Flooding is a serious threat during construction of the reroute and could be exacerbated by permanent changes to how water naturally moves along the corridor. The region has seen more intense and more frequent floods due to climate change, including two devastating, 500-year floods in the last decade; The public has not been given sufficient opportunity to voice comments and concerns.

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# Federal Consistency Public Comment Form

7/11/2024 3:44:02 PM

## Introduction

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## Federal Consistency Public Comment Form

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**Select a project for comment::** Line 5

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WCMP will not host a separate public hearing.

**Your Name or Organization:** Deb Elsas

*Please note that providing your name or organization is not necessary or required. The State of Wisconsin will not follow up.*

**Comments::** Please stop the illegal pipeline and protect Wisconsin's treasured natural resources. It's in your hands. Do the right thing by us and for generations to come.

# Federal Consistency Public Comment Form

8/3/2024 7:27:58 PM

## Introduction

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## Federal Consistency Public Comment Form

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**Select a project for comment::** Line 5

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WCMP will not host a separate public hearing.

**Your Name or Organization:** Cara Peters

*Please note that providing your name or organization is not necessary or required. The State of Wisconsin will not follow up.*

**Comments::** The project will come with an enormous environmental cost to Wisconsin's coasts. Enbridge pipelines, including Line 5, have spilled 33 times since 1968 and have released 1.1 million gallons of toxic oil into the environment. The Line 5 reroute would cross nearly 200 waterbodies and more than 100 acres of wetlands, putting some of Wisconsin's most treasured coastal natural areas, including Lake Superior, at risk. The Line 5 Reroute is Inconsistent with Wisconsin's Coastal Policies because: Enbridge does not have the required permits and has not provided enough information on the project's impacts to determine consistency with the state's coastal policies; Because Enbridge has a poor safety record and a history of oil disasters, spills are foreseeable and

threaten Wisconsin's coastal areas, wildlife, trout streams, recreation, and groundwater; Flooding is a serious threat during construction of the reroute and could be exacerbated by permanent changes to how water naturally moves along the corridor. The region has seen more intense and more frequent floods due to climate change, including two devastating, 500-year floods in the last decade; The public has not been given sufficient opportunity to voice comments and concerns. WCMP should not rely on the Army Corps process and needs to hold a separate public hearing specifically about Line 5's impacts to Wisconsin's coastal resources.

# Federal Consistency Public Comment Form

7/10/2024 7:54:21 PM

## Introduction

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WCMP will not host a separate public hearing.

**Your Name or Organization:** Jan peebles

*Please note that providing your name or organization is not necessary or required. The State of Wisconsin will not follow up.*

**Comments::** Stop this from happening

# Federal Consistency Public Comment Form

8/2/2024 3:12:17 PM

## Introduction

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## Federal Consistency Public Comment Form

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WCMP will not host a separate public hearing.

**Your Name or Organization:** Dominique

*Please note that providing your name or organization is not necessary or required. The State of Wisconsin will not follow up.*

**Comments::** Enbridge does not have the required permits and has not provided enough information on the project's impacts to determine consistency with the state's coastal policies; Because Enbridge has a poor safety record and a history of oil disasters, spills are foreseeable and threaten Wisconsin's coastal areas, wildlife, trout streams, recreation, and groundwater; Flooding is a serious threat during construction of the reroute and could be exacerbated by permanent changes to how water naturally moves along the corridor. The region has seen more intense and more frequent floods due to climate change, including two devastating, 500-year floods in the last decade; The public has not been given sufficient opportunity to voice comments and concerns.

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# Federal Consistency Public Comment Form

7/10/2024 12:57:36 PM

## Introduction

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## Federal Consistency Public Comment Form

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WCMP will not host a separate public hearing.

**Your Name or Organization:**

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**Comments::** Enbridge does not have the required permits and has not provided enough information on the project's impacts to determine consistency with the state's coastal policies; Because Enbridge has a poor safety record and a history of oil disasters, spills are foreseeable and threaten Wisconsin's coastal areas, wildlife, trout streams, recreation, and groundwater; Flooding is a serious threat during construction of the reroute and could be exacerbated by permanent changes to how water naturally moves along the corridor. The region has seen more intense and more frequent floods due to climate change, including two devastating, 500-year floods in the last decade; The public has not been given sufficient opportunity to voice comments and concerns.

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# Federal Consistency Public Comment Form

8/4/2024 9:32:52 AM

## Introduction

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## Federal Consistency Public Comment Form

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**Select a project for comment::** Line 5

The Wisconsin Coastal Management Program (WCMP), State of Wisconsin, Department of Administration, has received correspondence from the United States Army Corps of Engineers, St. Paul District Division (Corps) and Enbridge Energy, Limited Partnership, on activities associated with the construction of the proposed Line 5 Wisconsin segment relocation project. The proposed activities are subject to review for consistency under the policies of the Wisconsin Coastal Management Program (WCMP).

**Update: WCMP has extended the deadline to August 4, 2024.** Please note that, while the form had an original deadline of June 21, comments will be accepted through August 4.

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WCMP will not host a separate public hearing.

**Your Name or Organization:** Barbara Wooten

*Please note that providing your name or organization is not necessary or required. The State of Wisconsin will not follow up.*

**Comments::** Enbridge does not have a good record for protecting the environment they work in. Our Wisconsin waterways and especially Lake Superior are too valuable for the entire upper Midwest and Canada to risk. Please think of the future and our dwindling supply of fresh water and deny Line 5.

# Federal Consistency Public Comment Form

8/2/2024 1:32:58 PM

## Introduction

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## Federal Consistency Public Comment Form

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WCMP will not host a separate public hearing.

**Your Name or Organization:**

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**Comments::** Enbridge does not have the required permits and has not provided enough information on the project's impacts to determine consistency with the state's coastal policies; Because Enbridge has a poor safety record and a history of oil disasters, spills are foreseeable and threaten Wisconsin's coastal areas, wildlife, trout streams, recreation, and groundwater; Flooding is a serious threat during the reroute construction and could be exacerbated by permanent changes to how water naturally moves along the corridor. The region has seen more intense and more frequent floods due to climate change, including two devastating, 500-year floods in the last decade; The public has not been given sufficient opportunity to voice comments and concerns.

WCMP should not rely on the Army Corps process and needs to hold a separate public hearing about Line 5's impacts on Wisconsin's coastal resources.

# Federal Consistency Public Comment Form

8/2/2024 9:53:32 AM

## Introduction

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## Federal Consistency Public Comment Form

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**Select a project for comment::** Line 5

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WCMP will not host a separate public hearing.

**Your Name or Organization:** Meredith Berg

*Please note that providing your name or organization is not necessary or required. The State of Wisconsin will not follow up.*

**Comments::** Hello Wisconsin Coastal Management Program, I'm writing to you all today to urge you to not permit the reroute of crude oil pipeline 5. Enbridge does not have the required permits and has not provided enough information on the project's impacts to determine consistency with the state's coastal policies; Because Enbridge has a poor safety record and a history of oil disasters, spills are foreseeable and threaten Wisconsin's coastal areas, wildlife, trout streams, recreation, and groundwater; Flooding is a serious threat during construction of the reroute and could be exacerbated by permanent changes to how water naturally moves along the corridor. The region has seen more intense and more frequent floods due to climate change, including two devastating,

500-year floods in the last decade; The public has not been given sufficient opportunity to voice comments and concerns. WCMP should not rely on the Army Corps process and needs to hold a separate public hearing specifically about Line 5's impacts to Wisconsin's coastal resources.

# Federal Consistency Public Comment Form

8/2/2024 1:23:50 PM

## Introduction

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## Federal Consistency Public Comment Form

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**Select a project for comment::** Line 5

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WCMP will not host a separate public hearing.

**Your Name or Organization:** Lawrence Matchem

*Please note that providing your name or organization is not necessary or required. The State of Wisconsin will not follow up.*

**Comments::** Enbridge does not have the required permits and has not provided enough information on the project's impacts to determine consistency with the state's coastal policies; Because Enbridge has a poor safety record and a history of oil disasters, spills are foreseeable and threaten Wisconsin's coastal areas, wildlife, trout streams, recreation, and groundwater; Flooding is a serious threat during construction of the reroute and could be exacerbated by permanent changes to how water naturally moves along the corridor. The region has seen more intense and more frequent floods due to climate change, including two devastating, 500-year floods in the last decade; The public has not been given sufficient opportunity to voice comments and concerns.

WCMP should not rely on the Army Corps process and needs to hold a separate public hearing specifically about Line 5's impacts to Wisconsin's coastal resources.

# Federal Consistency Public Comment Form

7/13/2024 1:16:42 PM

## Introduction

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## Federal Consistency Public Comment Form

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**Select a project for comment::** Line 5

The Wisconsin Coastal Management Program (WCMP), State of Wisconsin, Department of Administration, has received correspondence from the United States Army Corps of Engineers, St. Paul District Division (Corps) and Enbridge Energy, Limited Partnership, on activities associated with the construction of the proposed Line 5 Wisconsin segment relocation project. The proposed activities are subject to review for consistency under the policies of the Wisconsin Coastal Management Program (WCMP).

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The Corps conducted a public hearing on June 4 in Ashland, Wisconsin. View [more information on the public hearing](#).

WCMP will not host a separate public hearing.

**Your Name or Organization:** Nancy Moore

*Please note that providing your name or organization is not necessary or required. The State of Wisconsin will not follow up.*

**Comments::** Line 5 Reroute is Inconsistent with Wisconsin's Coastal Policies because: Enbridge does not have the required permits and has not provided enough information on the project's impacts to determine consistency with the state's coastal policies; Because Enbridge has a poor safety record and a history of oil disasters, spills are foreseeable and threaten Wisconsin's coastal areas, wildlife, trout streams, recreation, and groundwater; Flooding is a serious threat during construction of the reroute and could be exacerbated by permanent changes to how water naturally moves along the corridor. The region has seen more intense and more frequent floods due to climate change, including two devastating, 500-year floods in the last decade; The public has

not been given sufficient opportunity to voice comments and concerns. WCMP should not rely on the Army Corps process and needs to hold a separate public hearing specifically about Line 5's impacts to Wisconsin's coastal resources. Please reject Line 5!

# Federal Consistency Public Comment Form

5/31/2024 11:44:21 AM

## Introduction

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## Federal Consistency Public Comment Form

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**Select a project for comment::** Line 5

The Wisconsin Coastal Management Program (WCMP), State of Wisconsin, Department of Administration, has received correspondence from the United States Army Corps of Engineers, St. Paul District Division (Corps) and Enbridge Energy, Limited Partnership, on activities associated with the construction of the proposed Line 5 Wisconsin segment relocation project. The proposed activities are subject to review for consistency under the policies of the Wisconsin Coastal Management Program (WCMP). **Comments close on June 21, 2024.**

The Corps will conduct a public hearing on June 4 in Ashland, Wisconsin. View [more information on the public hearing](#).

WCMP will not host a separate public hearing.

**Your Name or Organization:** Naomi Tillison, Director of Mashkiiziibii Natural Resources Department, Bad River Band of Lake Superior Tribe of Chippewa Indians

*Please note that providing your name or organization is not necessary or required. The State of Wisconsin will not follow up.*

**Comments::** The WCMP current comment period identifies June 21, 2024, as the deadline for submitting written comments. We are requesting a 30-day extension for the submission of written comments to WCMP. Miigwech (Thank you)

# Federal Consistency Public Comment Form

7/12/2024 12:57:45 PM

## Introduction

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## Federal Consistency Public Comment Form

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**Select a project for comment::** Line 5

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The Corps conducted a public hearing on June 4 in Ashland, Wisconsin. View [more information on the public hearing](#).

WCMP will not host a separate public hearing.

**Your Name or Organization:** Sara Green

*Please note that providing your name or organization is not necessary or required. The State of Wisconsin will not follow up.*

**Comments::** I respectfully ask that you reject Line 5.

# Federal Consistency Public Comment Form

7/25/2024 9:06:59 PM

## Introduction

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## Federal Consistency Public Comment Form

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**Select a project for comment::** Line 5

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WCMP will not host a separate public hearing.

**Your Name or Organization:**

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**Comments::** Enbridge does not have the required permits and has not provided enough information on the project's impacts to determine consistency with the state's coastal policies; Enbridge has a poor safety record and a history of oil disasters, spills are foreseeable and threaten Wisconsin's coastal areas, wildlife, trout streams, recreation, and groundwater; Flooding is a serious threat during construction of the reroute and could be exacerbated by permanent changes to how water naturally moves along the corridor. The region has seen more intense and more frequent floods due to climate change, including two devastating, 500-year floods in the last decade; The public has not been given sufficient opportunity to voice comments and concerns.

WCMP should not rely on the Army Corps process and needs to hold a separate public hearing specifically about Line 5's impacts to Wisconsin's coastal resources. Please reject the Line 5 Pipeline, at least for now, until the public has a chance to comment. Thank you, Joseph Wenzle

# Federal Consistency Public Comment Form

8/4/2024 8:45:43 PM

## Introduction

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## Federal Consistency Public Comment Form

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**Select a project for comment::** Line 5

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WCMP will not host a separate public hearing.

**Your Name or Organization:** Patricia Hammel

*Please note that providing your name or organization is not necessary or required. The State of Wisconsin will not follow up.*

**Comments::** I cannot find the "policies" on this page; the link to the DOA is broken. However Enbridge's spill into Talmadge Creek in Michigan in 2010 resulted in oil flowing 40 miles downstream, so any of the many crossings of waterbodies that are tributaries of the Bad River/Kakagon Sloughs could result in a catastrophic degradation of the Lake Superior coast/wetlands. Enbridge caused damage and paid fines for their construction of Line 61 in 2007-8 in Wisconsin and on Line 3 in Minnesota in 2020-22. The Ashland County Land Use and Management Plan notes that continued use of fossil fuels is expected to significantly affect the climate and has already led to increased extreme rainfall events and erosion of the Lake Superior

coastline (e.g. Saxon Harbor in Iron County) and the tributaries which cause dissolved soil (and overflowing waste from Ashland's sanitary system) to enter Lake Superior. Continued operation of Line 5 also threatens Lake Michigan via the Straits of Mackinac crossing. Enbridge has been operating illegally for eleven years across Mashkiibiizhi/Bad River; their Forest Service permit expired and the State of Michigan ordered them to shut down the Straits of Mackinac crossing in 2021. They may not get a permit for the reroute and there are good reasons that they shouldn't. It is not consistent with the health of the Great Lakes and coastal communities.

# Federal Consistency Public Comment Form

8/2/2024 2:09:39 PM

## Introduction

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## Federal Consistency Public Comment Form

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**Select a project for comment::** Line 5

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WCMP will not host a separate public hearing.

**Your Name or Organization:**

*Please note that providing your name or organization is not necessary or required. The State of Wisconsin will not follow up.*

**Comments::** Enbridge does not have the required permits and has not provided enough information on the project's impacts to determine consistency with the state's coastal policies; Because Enbridge has a poor safety record and a history of oil disasters, spills are foreseeable and threaten Wisconsin's coastal areas, wildlife, trout streams, recreation, and groundwater; Flooding is a serious threat during construction of the reroute and could be exacerbated by permanent changes to how water naturally moves along the corridor. The region has seen more intense and more frequent floods due to climate change, including two devastating, 500-year floods in the last decade; The public has not been given sufficient opportunity to voice comments and concerns.

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# Federal Consistency Public Comment Form

7/11/2024 9:47:19 PM

## Introduction

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## Federal Consistency Public Comment Form

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**Your Name or Organization:** Rosalee Keser

*Please note that providing your name or organization is not necessary or required. The State of Wisconsin will not follow up.*

**Comments::** My biggest objections to Line 5 is the great risk of contaminating the priceless water ways and what looks like another episode of disrespect of Native American Indians

# Federal Consistency Public Comment Form

7/23/2024 9:56:58 AM

## Introduction

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## Federal Consistency Public Comment Form

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**Select a project for comment::** Line 5

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WCMP will not host a separate public hearing.

**Your Name or Organization:** Lisa Krause

*Please note that providing your name or organization is not necessary or required. The State of Wisconsin will not follow up.*

**Comments::** Please reject Line 5!! We do not want another oil spill and wildlife to be harmed!!!

# Federal Consistency Public Comment Form

7/11/2024 4:30:05 PM

## Introduction

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## Federal Consistency Public Comment Form

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**Select a project for comment::** Line 5

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WCMP will not host a separate public hearing.

**Your Name or Organization:** Steve Books

*Please note that providing your name or organization is not necessary or required. The State of Wisconsin will not follow up.*

**Comments::** Save the water by not allowing a foreign Canadian Company, Enbridge, to relocate Line 5 in Wisconsin. The risk to area waters and to the fresh water lake - Lake Superior - is too great of a risk for an unparalleled potential of devastating pollution from tar sands crude oil. Take up new technology of some type other than fossil fuels. Sincerely, Steve Books 625 Spruce St. Madison, WI 53715

# Federal Consistency Public Comment Form

8/2/2024 5:49:51 PM

## Introduction

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## Federal Consistency Public Comment Form

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**Select a project for comment::** Line 5

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WCMP will not host a separate public hearing.

**Your Name or Organization:** Amelia Fernández Rodríguez

*Please note that providing your name or organization is not necessary or required. The State of Wisconsin will not follow up.*

**Comments::** Enbridge does not have the required permits and has not provided enough information on the project's impacts to determine consistency with the state's coastal policies; Because Enbridge has a poor safety record and a history of oil disasters, spills are foreseeable and threaten Wisconsin's coastal areas, wildlife, trout streams, recreation, and groundwater; Flooding is a serious threat during construction of the reroute and could be exacerbated by permanent changes to how water naturally moves along the corridor. The region has seen more intense and more frequent floods due to climate change, including two devastating, 500-year floods in the last decade; The public has not been given sufficient opportunity to voice comments and concerns.

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# Federal Consistency Public Comment Form

7/10/2024 12:49:30 PM

## Introduction

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## Federal Consistency Public Comment Form

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**Select a project for comment::** Line 5

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WCMP will not host a separate public hearing.

**Your Name or Organization:** Cheryl Mueller

*Please note that providing your name or organization is not necessary or required. The State of Wisconsin will not follow up.*

**Comments::** We do not need to allow our environment to be destroyed in order to "fuel" our desires. Pleast preserved the 41 miles of possible pipeline so that there is a future for Wisconsin from oil damages.

# Federal Consistency Public Comment Form

8/4/2024 11:47:15 PM

## Introduction

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## Federal Consistency Public Comment Form

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**Select a project for comment::** Line 5

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WCMP will not host a separate public hearing.

**Your Name or Organization:** Matthew Borke

*Please note that providing your name or organization is not necessary or required. The State of Wisconsin will not follow up.*

**Comments::** Greetings. I hope that this day finds you well. This public comment is premature. Since the permit requests for Line 5 are still only requests presently, not granted, and still under environmental review with only a Draft presented to the public, it appears illogical to provide comment on shoreline aspects including evaluating risk management for an incomplete construction plan to even discuss consistency. For that reason, I first request that you either postpone the consistency comment until a final plan is complete or at least extend the comment period as Army Corps Environmental Assessment has changed their draft information several times at this point or minimally provide more time to provide public comments within your process or

straight deny that there is consistency or straight out deny Line 5's construction. Providing at least some details of how inconsistent the information provided is thus far we can turn to erosion. Enbridge's present plan includes digging a large deep trench around Bad River. Shore lines stay shorelines because of an underground root network. When anyone removes that root network, there is sure to be erosion. No, erosion doesn't happen over night to the naked eye but it does. What else would affect erosion and a shoreline? Not just removing the underground plant network that took centuries to build but the construction process itself. Have you ever witnessed the metal piling process? They jackhammer in relatively 20 to 30ft steel, one by one, into the ground to hold up their trench walls. It creates localized earthquakes. Microcracks in the deep levels of the underground systems that hold the ground together. If allowed, when there is a random earthquake in say 20 years that was said would never happen, but it does. And the whole reservation, that the construction is claimed to be in protection of, falls into Lake Superior, that would not appear to be consistent with shoreline/coastal protection. Where most of the materials you look over appear to be in regards to water permits for release, there is not enough material to make an educated decision. It assumes that water being diverted or used is clean and free to release back to the watershed. This is an ever changing reality based on availability of water test facilities, what the water is tested for, and how much the water is tested. For example, an NPDES permit may included a carbon filtration system to remediate contaminated water. But PFAS is not on the test list. And PFAS, PFOS, the whole kit and kaboodle, coat carbon making non-effective of any remediation. Making a decision to accept the Line 5 construction with the present information would be irresponsible. Industry has done it's part to destroy coastlines through history but it's not the 1920's anymore and technology has evolved greatly. If you allow a company to destroy the natural network (which includes tree roots, mosses, mycelium, etc, etc) that holds a shoreline together, how can anyone say that they are involved in protecting a shoreline/coast. And it's not just what they destroy in that network by removing it, it's the health of the whole network that's destroyed. Nature works in a co-relationship. Doing something in one spot, affects the whole. Just because one can isolate a study in one spot, does not make it a fact just because man says so. Back in the 1970's, folks that spoke about this were looked at and considered crazy, yet now it is scientifically proven. I have yet to see an alternative plan that includes not being in the Bad River Watershed. That does not appear concurrent in following Wis. Stats. § 1.11(2)(e). You also appear to be in a rush to complete this process. Is someone forcing you to accept this as fast as possible. Why would you rush this process, demanding that this is the final extension, due on a Sunday, when all legal filings are provide minimally the next business day? Please do the right thing and deny the continuance or acceptance of the Line 5 Wisconsin segment relocation project. Or minimally, await until we have a complete set of data to review. Your decisions today will affect the shoreline for generations to come. Thank you for your time.

# Federal Consistency Public Comment Form

7/10/2024 5:02:07 PM

## Introduction

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## Federal Consistency Public Comment Form

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**Select a project for comment::** Line 5

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**Update: WCMP has extended the deadline to August 4, 2024.** Please note that, while the form had an original deadline of June 21, comments will be accepted through August 4.

The Corps conducted a public hearing on June 4 in Ashland, Wisconsin. View [more information on the public hearing](#).

WCMP will not host a separate public hearing.

**Your Name or Organization:** Don Waller

*Please note that providing your name or organization is not necessary or required. The State of Wisconsin will not follow up.*

**Comments::** The Line 5 pipeline has been in trespass violation on the Bad River reservation for a decade now, prompting this re-routing around it. However, these current plans still face serious problems in terms of: 1. Necessity of this pipeline at all (especially given Michigan's doubts about approving the Straights crossing and declining use of fossil fuels); 2. all the stream crossings (at any of one of which the pipeline might fail, directly threatening the Bad R. reservation and Chequamegon Bay with a spill and serious pollution); 3. the bad record of Enbridge, particularly with regard to the largest on-land spill in U.S. history at the Kankakee River. 4. The lack of serious and

respectful negotiations with the Bad River tribe; 5. The need to seriously consider all alternatives, including abandoning this pipeline.

# Federal Consistency Public Comment Form

7/14/2024 9:37:29 AM

## Introduction

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## Federal Consistency Public Comment Form

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WCMP will not host a separate public hearing.

**Your Name or Organization:** Karen Wilson

*Please note that providing your name or organization is not necessary or required. The State of Wisconsin will not follow up.*

**Comments::** This is an obvious point at which to STOP kicking the can of consequences down the road for yet another round of disasters. May this NOT be a futile effort to stop the cascading ruination of wetlands and water bodies we depend on for all the often-enumerated benefits to the environment we humans share. That the company has a bad safety record is just the final-straw reason to deny this project the sanction of WCMP. Pity us who are trying to step up as good citizens to become informed and participate in decisions, only to be let down by our environmental protection institutions again and again. Give us a chance to rejoice in a decision unquestionably

good for the environment and this time let the big guys sputter and fume. It has to happen some day; why not now and give the living world a chance?

# Federal Consistency Public Comment Form

7/23/2024 1:44:26 PM

## Introduction

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## Federal Consistency Public Comment Form

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**Select a project for comment::** Line 5

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WCMP will not host a separate public hearing.

**Your Name or Organization:** Marty T.

*Please note that providing your name or organization is not necessary or required. The State of Wisconsin will not follow up.*

**Comments::** Enbridge and similar corporations with large-scale oil pipeline projects have a long history of exceptionally harmful environmental impacts. The risks of Line 5 are tremendous: oil/chemical spills, disruption of vulnerable ecosystems, loss of protected wildlife, and acceleration of other disasters related to climate change (flooding, rising CO2 levels, etc.). At face value, the project does not appear to be consistent with Wisconsin's Coastal Policies. Moreover, Enbridge does not have the required permits and has not been transparent enough to determine whether the impact of Line 5 is consistent with Wisconsin's Coastal policies. Line 5 has the potential to do irreversible damage to Wisconsin's wetlands and coastal regions. Thriving natural areas that have

grown and developed for thousands of years will likely be heavily disrupted or even wiped out within just a short period of time. This project will have profound effects on wildlife, ecosystems, the climate, and importantly, people living in Wisconsin and beyond. It is resoundingly clear that these long-term ecological and human impacts have not been given due consideration. As such, a separate public hearing is absolutely necessary.

# Federal Consistency Public Comment Form

8/15/2024 11:17:51 AM

## Introduction

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## Federal Consistency Public Comment Form

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**Select a project for comment::** Line 5

The Wisconsin Coastal Management Program (WCMP), State of Wisconsin, Department of Administration, has received correspondence from the United States Army Corps of Engineers, St. Paul District Division (Corps) and Enbridge Energy, Limited Partnership, on activities associated with the construction of the proposed Line 5 Wisconsin segment relocation project. The proposed activities are subject to review for consistency under the policies of the Wisconsin Coastal Management Program (WCMP).

Written comments will be accepted during the public hearing, from 12:00pm until 11:59 pm on August 15, 2024.

**Your Name or Organization:** International Union of Operating Engineers Local 139

*Please note that providing your name or organization is not necessary or required. The State of Wisconsin will not follow up.*

**Comments::** For all of the reasons set forth in my written comments filed with the Army Corps of Engineers (which are copied below), I respectfully request that the DOA Wisconsin Coastal Management Program complete its Federal Consistency Determination and issue its concurrence as soon as possible. I am the President and Business Manager of the International Union of Operating Engineers, Local 139. Established in 1902, the Operating Engineers Local 139 is a statewide trade union that primarily represents skilled operators of heavy construction equipment and mechanics who service the equipment. While the Operating Engineers Local 139 is headquartered in Pewaukee, the union maintains district offices in Madison, Appleton and Altoona, as well as a state-certified training school for Operating Engineers in Coloma. The Operating Engineers Local 139 has more than 11,500 active and retired members, with nearly 1,500 members living in the northern one third of Wisconsin, including in Ashland, Bayfield and Iron Counties. I appreciate the opportunity to comment on the Combined Decision Document Prepared for the

Enbridge Line 5 Wisconsin Segment Relocation Project (Decision Document). The Corps Should Continue to Resist Efforts to Exceed its Authority As an initial, overarching comment, I commend the U.S. Army Corps of Engineers (Corps) and its staff on the Decision Document. While some people will undoubtedly claim the Decision Document is fatally deficient as part of the overall anti-pipeline strategy, it is clear the Decision Document is: 1) well-reasoned and thorough; 2) based on reliable information, statistics and scientific facts; and 3) confined to the appropriate legal standards. I also appreciate that the Corps stayed within its jurisdictional authority. The Corps is reviewing a permit application under Section 404 (wetlands fill) and Section 10 (HDD crossing). As the notice for the comment period notes, "the Corps does not regulate the overall construction or operation of pipelines, nor does it regulate the siting of any type of pipeline, or any substance being transported within a pipeline." Many of the comments filed by those opposing the project ask (intentionally or inadvertently) the Corps to take action or make decisions that clearly exceed its jurisdictional authority. I urge you to continue to resist those efforts. The Corps Correctly Determined that there are Economically no Feasible Alternatives The Corps correctly determined "that there are no economically feasible transportation alternatives other than rerouting the existing pipeline outside of the boundaries of the Bad River Reservation." Decision Document, pp. 36-37. There is no existing pipeline infrastructure capable of transporting Line 5 volumes. Opponents may claim that Enbridge's Line 78 can be utilized, but there is no available pipeline capacity on Line 78. Moreover, no alternative pipelines extending from Superior can transport natural gas liquids (NGLs). The Corps correctly concluded that rail is "economically infeasible." Decision Document, p. 35. Line 5's origin and delivery points are not currently connected to a rail system, so new construction would be necessary, which would require extensive financial investment, require years to construct/permit and result in substantially more extensive and significant environmental impacts than the Line 5 Project. It would also take about 669 rail tank cars per day to transport Line 5's crude volume and 112 rail tank cars per day to transport Line 5's NGL volumes, increasing the likelihood of rail incidents, which occur more frequently on a per-mile basis than transport on pipelines. The Corps also correctly concluded that trucking "would not be reasonable or practicable due to cost, public traffic safety, and logistics." Decision Document, p. 36. Six thousand tanker trucks would be needed each day to maintain Line 5's current volume delivery – 3,000 trucks daily in each direction. This equates to over 100 trucks per hour on already-congested regional highways and interstates. These trucks would "overburden current public road capacity and increase GHG emissions." Decision Document, p. 36. Loading/unloading facilities would need to be constructed, and the cost of transportation would be hundreds of millions of dollars more per year. The Operating Engineers who live in the affected communities do not support such an increase in trucking. Moreover, given the current and projected future shortage of truck drivers, there is a serious question about the availability of a sufficient workforce to truck the Line 5 products. See Navigating the Lanes: Understanding the Truck Driver Shortage in the US, Truck Driving Rights (April 20, 2024), avail. here <https://bit.ly/Truckdrivershortage> The Corps Correctly Concluded that There Will Be only Minor Long-Term Impacts The Operating Engineers Local 139 members and their signatory contractors have worked on many Enbridge pipeline projects over the years. I am confident that the Operating Engineers Local 139 members and their signatory contractors can implement the construction and mitigation measures proposed by Enbridge for the Line 5 Project, resulting in very minor long-term effects from construction, which is consistent with the Corps' findings reported in the Decision Document. Decision Document, pp. 80 and 89-90. The Corps Correctly Concluded Public Interest Favors Granting a Permit for the Project The Corps correctly determined that the Line 5 Project is in the public interest because it meets public energy needs and any minor adverse effects from construction do not outweigh the overall benefits. Decision Document, pp. 88-89. While the economic benefits of the project are detailed in

the Decision Document in § 7.3, those findings should be restated or incorporated into the public interest discussion of the Decision Document. The regional economy will benefit from the Line 5 Project by employing 700 workers, with a labor income of \$27.5 million and a total economic output of \$71.5 million. The Line 5 Project is projected to generate more than \$2 million in sales tax revenues and more than \$2 million in incremental annual property taxes. The Corps Should Expediently Issue the Decision Document and Permit Finally, the Corps should know that the Operating Engineers Local 139 members—and I believe most Wisconsinites—consider Enbridge to be a good community member. They employ hundreds of our neighbors and friends, pay millions in taxes, and safely and efficiently transport the North American-sourced (and produced) products that are vitally important to the safety of our families and to the health of our economy. The Line 5 Project does not increase the use or capacity of crude oil or refined products. It simply replaces a portion of the existing pipeline at the request of a Sovereign Tribal Nation. The Corps should resist demands from opponents to consider alternatives other than routing alternatives (e.g., shutdown), which are outside the Corps' narrow legal authority. On behalf of myself and the 11,500 members of the Operating Engineers Local 139, we urge the Corps to finalize the Decision Document and issue any permit(s) required for the Line 5 Project as quickly as possible. There has been ample time for review and public input. Further extensions of time are unnecessary, and a delay could substantially and negatively impact the energy security and economy of Wisconsin and the surrounding Midwest states. Again, thank you for the opportunity to comment on the Decision Document for the Line 5 Project. Sincerely Yours, /s/ Terrance E. McGowan  
Terrance E. McGowan  
IUOE General Vice President Local 139 President/Business Manager

# Federal Consistency Public Comment Form

8/9/2024 8:19:48 AM

## Introduction

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## Federal Consistency Public Comment Form

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**Select a project for comment::** Line 5

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**Update: WCMP has extended the deadline to August 4, 2024.** Please note that, while the form had an original deadline of June 21, comments will be accepted through August 4.

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WCMP will not host a separate public hearing.

**Your Name or Organization:** Daniel Tuozzoli

*Please note that providing your name or organization is not necessary or required. The State of Wisconsin will not follow up.*

**Comments::** Enbridge does not have the required permits and has not provided enough information on the project's impacts to determine consistency with the state's coastal policies; Because Enbridge has a poor safety record and a history of oil disasters, spills are foreseeable and threaten Wisconsin's coastal areas, wildlife, trout streams, recreation, and groundwater; Flooding is a serious threat during construction of the reroute and could be exacerbated by permanent changes to how water naturally moves along the corridor. The region has seen more intense and more frequent floods due to climate change, including two devastating, 500-year floods in the last decade; The public has not been given sufficient opportunity to voice comments and concerns.

WCMP should not rely on the Army Corps process and needs to hold a separate public hearing specifically about Line 5's impacts to Wisconsin's coastal resources.

# Federal Consistency Public Comment Form

8/12/2024 5:18:48 AM

## Introduction

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WCMP will not host a separate public hearing.

**Your Name or Organization:** SM

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**Comments::** Enbridge does not have the required permits and has not provided enough information on the project's impacts to determine consistency with the state's coastal policies; Because Enbridge has a poor safety record and a history of oil disasters, spills are foreseeable and threaten Wisconsin's coastal areas, wildlife, trout streams, recreation, and groundwater; Flooding is a serious threat during construction of the reroute and could be exacerbated by permanent changes to how water naturally moves along the corridor. The region has seen more intense and more frequent floods due to climate change, including two devastating, 500-year floods in the last decade; The public has not been given sufficient opportunity to voice comments and concerns.

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# Federal Consistency Public Comment Form

8/15/2024 8:10:54 PM

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**Your Name or Organization:** Kent Miller - President/ Business Manager Wisconsin Laborers District Council

*Please note that providing your name or organization is not necessary or required. The State of Wisconsin will not follow up.*

**Comments::** On behalf of over 9,000 skilled working men and women of the Wisconsin Laborers' District Council, I am writing to convey our union's support for the Enbridge Line 5 relocation project in Northern Wisconsin, and respectfully ask the Wisconsin Department of Administration to issue its Federal Consistency Determination in regards to this project. This project will create 700 union construction jobs through a Project Labor Agreement with Wisconsin-based contractor Michels. These will be jobs with great wages as well as health and retirement benefits. The Wisconsin Laborers' District Council are engaged working with community-based organizations and other partners to work with historically underserved communities, and this project will invest significant resources to work with Native-owned business, including the training and hiring of tribal members to work on this project. The Wisconsin Laborers' District Council, and the other unions who will be working on this project, all have world-class skills and safety training that will help

ensure that this complicated project will be done safely while protecting Wisconsin's waterways and natural resources, while also guaranteeing that Northern Wisconsin has access to fuel to heat our homes and businesses. We appreciate the extensive Draft Environmental Assessment process that the U.S. Army Corps of Engineers has engaged with the public, but additional time for review is unnecessary, and we respectfully ask that the Enbridge Line 5 project moves forward.

# Federal Consistency Public Comment Form

8/8/2024 12:49:03 PM

## Introduction

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**Your Name or Organization:** Brendon dragon

*Please note that providing your name or organization is not necessary or required. The State of Wisconsin will not follow up.*

**Comments::** Enbridge does not have the required permits and has not provided enough information on the project's impacts to determine consistency with the state's coastal policies; Because Enbridge has a poor safety record and a history of oil disasters, spills are foreseeable and threaten Wisconsin's coastal areas, wildlife, trout streams, recreation, and groundwater; Flooding is a serious threat during construction of the reroute and could be exacerbated by permanent changes to how water naturally moves along the corridor. The region has seen more intense and more frequent floods due to climate change, including two devastating, 500-year floods in the last decade; The public has not been given sufficient opportunity to voice comments and concerns.

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# Federal Consistency Public Comment Form

8/15/2024 1:36:50 PM

## Introduction

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**Your Name or Organization:** IUOE 139

*Please note that providing your name or organization is not necessary or required. The State of Wisconsin will not follow up.*

**Comments::** I am pro line 5 as it will create hundreds of jobs for IOUE 139 and benefit local businesses as well

# Federal Consistency Public Comment Form

8/10/2024 5:38:43 PM

## Introduction

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**Your Name or Organization:** Chickadee Preschool

*Please note that providing your name or organization is not necessary or required. The State of Wisconsin will not follow up.*

**Comments::** Enbridge does not have the required permits and has not provided enough information on the project's impacts to determine consistency with the state's coastal policies; Because Enbridge has a poor safety record and a history of oil disasters, spills are foreseeable and threaten Wisconsin's coastal areas, wildlife, trout streams, recreation, and groundwater; Flooding is a serious threat during construction of the reroute and could be exacerbated by permanent changes to how water naturally moves along the corridor. The region has seen more intense and more frequent floods due to climate change, including two devastating, 500-year floods in the last decade; The public has not been given sufficient opportunity to voice comments and concerns.

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# Federal Consistency Public Comment Form

8/15/2024 10:55:07 PM

## Introduction

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**Your Name or Organization:** Vid Grande

*Please note that providing your name or organization is not necessary or required. The State of Wisconsin will not follow up.*

**Comments::** Thank you for the opportunity to weigh in on this issue. I am a chemist who has worked in the environmental field for most of 40 years in both private industry and with government agencies. I have been involved in a variety of efforts, ranging from remediation efforts of decades to more than century old hazardous waste in our waterways to monitoring of current air toxics. While doing so, I have learned that our civilization has a readily measurable impact from pole to pole, from the top of Mt. Everest to the bottom of the Marianas Trench. No where on the planet is truly untouched and the number of troubling consequences is increasing rapidly. Many of these consequences can not be attributed to any single cause or project, because each incremental step leading to the current state of the world has and continues to contribute to the overall situation. Even in the case where the relation between cause and effect seems obvious, the inherent and honest uncertainty associated with scientific processes is easily exploited to emphasize doubt and delay action. EIS reporting requirements for the purpose of obtaining

permits are insufficiently protective of fragile ecosystems. The standards that are built into process are do not accept that any disturbance in relatively pristine environments has unintended consequences, and do not sufficiently account for other factors already impacting the ecosystem. The idea that there may be a straw that could break the camel's back is not present, and there is no mechanism to adequately address this. The risk of accidental releases is also manipulated so they seem unlikely and therefore inconsequential. In fact, releases will happen. The only question is whether they will only affect a small area or be catastrophic. They pretend that even in the worst-case scenario, the effects can somehow be mitigated and the ecosystem restored with enough money and effort. The Great Lakes represent a priceless and irreplaceable resource vital for the well-being of the planet and they have already been subjected to repeated assaults of poisonous chemicals. Manufactured gas plants like the one in Ashland in the 1800's dumped their waste directly into the water and remained there until the last decade. There have been uncountable fuel oil and bilge water releases from shipping. Pesticides from the cotton-growing region in the southern states were transported by air and have accumulated in the fish. Air transport is also responsible for mercury and PCBs in the lake water and biota. Even though many of these chemicals are no longer in use, they are persistent and continue to circulate in the biota. Invasive species have played havoc with the food web within the lake, to the point that it takes much longer for fish to grow to the same size as they did decades ago. The mix of native species within the lake has changed beyond recognition over time, with many declining or disappearing entirely. Evaluating changes in arthropod populations is nearly impossible, since no one thought to ask early enough to have reliable pre-impact records of species and distributions. The permitting process does not allow asking the question of whether the local ecosystem is at a tipping point, and the tools to be able to evaluate if this is the case do not really exist. We won't know until we try it. Of course, by then it's too late. We can do a pretty good job of fixing or replacing something human built, but it is hard to imagine reconstructing an entire ecosystem when we don't even know what all the different pieces of it are before it's gone. Most remediation efforts end up with something park-like that in the best case looks nice, but complete restoration of ecosystem function is a different matter. I am hoping that your oversight can allow you to ask the question and to weigh the matter of potential tipping points into your decision making process. As a former regulatory agency employee, I have observed that the character of agencies charged with the protection of the environment and regulation of industrial activity are heavily skewed in favor of the industrial activity. Wisconsin DNR, formerly a world class science based regulatory agency actively working to protect the environment, underwent a sea-change in attitude in the past decade. Management philosophy shifted from being a "regulatory agency for which permits were one of their tools", to being a "permitting agency". The (recently appointed from a polluting industry) senior management representative I had this discussion with was unable to see the difference. Over the course of the remainder of the time I worked with the agency, I saw this type of attitude spread throughout the workforce. Because of this and the previously mentioned factors, you will most likely see permits approved for this project. I hope you are allowed to do more than check the appropriate boxes on your forms and put the rubber stamp into play. I hope you are allowed to "preserve, protect, develop and where possible, to restore or enhance, the resources of Wisconsin's coastal area for this and succeeding generations". The pipeline is a decade older than the one which split in the Kalamazoo River in 2010 and more than a decade past its design life. Enbridge was informed by the Bad River Band that they were no longer welcome on that segment in 2013 and found in court to be trespassing several years ago. Michigan has informed them they are no longer welcome on that stretch. They have had plenty of time to examine alternatives and develop a true alternative plan to replace the pipeline in a manner that removes the risk from this watershed. The best solution for

the preservation of the Coastal Resources you are responsible for is to stop the oil flowing at all.  
Thank You for this opportunity,

# Federal Consistency Public Comment Form

8/6/2024 8:23:26 PM

## Introduction

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## Federal Consistency Public Comment Form

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**Select a project for comment::** Line 5

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**Update: WCMP has extended the deadline to August 4, 2024.** Please note that, while the form had an original deadline of June 21, comments will be accepted through August 4.

The Corps conducted a public hearing on June 4 in Ashland, Wisconsin. View [more information on the public hearing](#).

WCMP will not host a separate public hearing.

**Your Name or Organization:**

*Please note that providing your name or organization is not necessary or required. The State of Wisconsin will not follow up.*

**Comments::** Enbridge does not have the required permits and has not provided enough information on the project's impacts to determine consistency with the state's coastal policies; Because Enbridge has a poor safety record and a history of oil disasters, spills are foreseeable and threaten Wisconsin's coastal areas, wildlife, trout streams, recreation, and groundwater; Flooding is a serious threat during construction of the reroute and could be exacerbated by permanent changes to how water naturally moves along the corridor. The region has seen more intense and more frequent floods due to climate change, including two devastating, 500-year floods in the last decade; The public has not been given sufficient opportunity to voice comments and concerns.

WCMP should not rely on the Army Corps process and needs to hold a separate public hearing specifically about Line 5's impacts to Wisconsin's coastal resources.

# Federal Consistency Public Comment Form

8/15/2024 11:39:06 AM

## Introduction

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## Federal Consistency Public Comment Form

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**Select a project for comment::** Line 5

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Written comments will be accepted during the public hearing, from 12:00pm until 11:59 pm on August 15, 2024.

**Your Name or Organization:** Joan Elias

*Please note that providing your name or organization is not necessary or required. The State of Wisconsin will not follow up.*

**Comments::** Gentlefolk, Thank you for this opportunity to comment on the Wisconsin Coastal Management Program's (WCMP) consistency review for the Enbridge Line 5 reroute project. I commend you for hosting a public comment period, but am dismayed at the short notice time. I am a retired ecologist who has lived in my current location in Iron County for 34 years. During my time here I conducted extensive ecological work throughout Wisconsin's Lake Superior basin and have an intimate knowledge of the flora, fauna, and ecological communities and processes. I have been following Enbridge's proposal to reroute and expand Line 5 for at least five years. I have read the Wisconsin Department of Natural Resources' (WDNR) draft Environmental Impact Statement (DEIS) and the US Army Corps of Engineers' (ACE) draft Combined Decision Document (DCDD) carefully. In no way does the proposed Line 5 project fit within WCMP's consistency guidelines. The proposed Line 5 lies entirely within the Bad River Watershed, crossing nearly 200 streams and wetlands. The construction, maintenance, and operation of the pipeline would jeopardize every downstream

waterbody within the watershed. In addition to the many negative environmental impacts, the pipeline would also jeopardize public safety and the capacity for emergency response. The Bad River Band has requested that Line 5 be located outside of the Bad River Watershed or decommissioned. Any proposal to relocate Line 5 within the Watershed disregards the Band's sovereignty and Treaty rights. The Bad River Watershed and nearby region have been recognized for their particularly valuable resources, such as a self-sustaining lake sturgeon population, Copper Falls State Park, the Tyler Forks Community Forest, many streams and rivers with Outstanding or Exceptional Resource Waters designation pursuant to sec 281.15, Wis Stats and NR 102.10-11, numerous artesian springs, three state-recognized Important Bird Areas, numerous cold water brook trout streams, and the Kakagon Sloughs - the "Everglades of the North" which were designated as a Ramsar Wetland of International Importance in 2012 and a National Natural Landmark in 1973. State and federal agencies, Tribes, non-profit organizations, academia, and local citizens have collaborated for decades to restore wetlands, control invasive species, and improve fish passage in the Bad River Watershed. Construction of a pipeline along the route proposed would be counter to all the time, money, and effort dedicated to protecting and restoring this watershed. WCMP consistency guidelines mention protecting fish and wildlife and maintaining water quality. The Line 5 project, in crossing nearly 200 waterbodies, directly threatens water quality, fish, and other aquatic organisms. The extreme storms and flooding the Ashland and Iron counties experienced in 2016 and 2018 demonstrated the fragility and vulnerability of the ravines and stream crossings throughout the watershed. Erosion along the Bad River has resulted in the existing pipeline becoming dangerously close to exposure. Had the Line 5 reroute been under construction during one of those storms, damage to downstream aquatic ecosystems would have been even worse than it was. If the rerouted pipeline had been in operation during one of those storms, the chances of exposure and damage to the pipe itself would have been multiplied many times over what it was. WCMP consistency guidelines promote groundwater protection, yet during the Line 3 construction in Minnesota Enbridge breached aquifers and spilled drilling fluids and failed to report them in a timely manner. Instead citizens reported the mishaps and Enbridge was fined by the Minnesota DNR and Pollution Control Agency. Enbridge has failed to demonstrate they can construct a pipeline without endangering the groundwater and surface waters in an area with complicated geology and soils such as that along the proposed reroute. The ACE's DCDD, much of which was clearly written by Enbridge, is full of imprecise language such as "temporary" or "minor" impacts, "short term", "relatively brief", and "near as practicable". These terms are not defined, which precludes the public, and more importantly WCMP, from assessing impacts. Enbridge attempts to reassure the public and permitting authorities that adverse impacts will be minimized or prevented through "monitoring" and "sampling". Monitoring and sampling collect data, they do not prevent damaging impacts nor do they ensure restoration. ACE seems to accept Enbridge's assurances of environmental protection through monitoring and sampling, as in the DCDD they determined effects to be minor and temporary. No details were provided to explain actions to be taken should monitoring and sampling indicate adverse impacts or lack of adequate restoration. Analysis of impacts to wetlands is confined to the pipeline corridor and workspace in the DCDD. Similarly for post-construction and post-restoration monitoring. This is a failure to acknowledge impacts occurring through each entire wetland due to disruption of hydrology, spread of invasive species, habitat fragmentation, and wetland function. Wetland mitigation is proposed to occur at the HUC 8 level. Mitigation should occur at the HUC 12 level, at least. Given the extent of damage from extreme storms in recent years, the Bad River Watershed needs every wetland for flood attenuation. I am watching the clock as I write these comments and see that I am almost out of time (the public comment website indicated the written comment form will be accepted between 11:00 and 11:59). I will close by emphasizing the Line 5 project proposal is incomplete and lacking

in detail. The proposed reroute is a terrible location for a pipeline. The threats of the Line 5 reroute and expansion to the surface- and groundwater of the Bad River Watershed are too great to risk. The project is inconsistent with WCMP's consistency guidelines and efforts to protect the Lake Superior basin. Thank you.

# Federal Consistency Public Comment Form

8/15/2024 9:56:18 PM

## Introduction

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Refer to the [state's specific coastal policies](#).

## Federal Consistency Public Comment Form

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**Select a project for comment::** Line 5

The Wisconsin Coastal Management Program (WCMP), State of Wisconsin, Department of Administration, has received correspondence from the United States Army Corps of Engineers, St. Paul District Division (Corps) and Enbridge Energy, Limited Partnership, on activities associated with the construction of the proposed Line 5 Wisconsin segment relocation project. The proposed activities are subject to review for consistency under the policies of the Wisconsin Coastal Management Program (WCMP).

Written comments will be accepted during the public hearing, from 12:00pm until 11:59 pm on August 15, 2024.

**Your Name or Organization:** Sondra Olson

*Please note that providing your name or organization is not necessary or required. The State of Wisconsin will not follow up.*

**Comments::** Thank you for this opportunity to speak. I am a grandmother who is speaking for our future generations. Most of us want the very best health, water, food & recreational environment for ourselves & in the future for our children, grandchildren & 7 generations to come after us. We are setting priorities for their future now. Decisions made today will impact the well-being of our loved ones and we need to be mindful of now. Enbridge & other companies come into an area for a short, intense work time. Then they leave again. I do not believe 700 short-term jobs override the health of our people & environment. Let job seekers be trained with green jobs which are more popular with communities than fossil fuels which are on track to fade out anyway & always carry great risk to those communities. Once toxins & contaminants get into our water, soil, food systems, wild rice & medicinal herbs, by poisoned water & soil, it is our grandchildren & great-grandchildren that have to live with that. All of us who know how precious & worthy it is to protect clean water & a clean environment know shutting this pipeline down is the right thing to do. The pipeline under

Lake Superior must be stopped! This is a very serious threat to our beautiful coastlands & water. The environmental health of the region must come first to support the people who live here & for all the healthy generations to come. If any unforeseen accident or rupture occurs, this will be our future generations who have this burden that we left for them with, by making a short-sighted decision. Please make your decision on respecting the tribes & the protection of the sacred rice. Anything less is disrespectful & a power-grab based on short-term economic gains alone. Bad River Band's traditional practices must be honored. Protecting & cleaning up our environment & prioritizing good health today pays off. Our whole planet is in the process of converting to cleaner & greener energy. This is the way of the future that we must support. What is profitable today, maybe obsolete tomorrow. All of us who care about our children & 7 generations to come & who want to protect our environment do not want this pipeline.

# Federal Consistency Public Comment Form

8/5/2024 1:23:35 PM

## Introduction

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## Federal Consistency Public Comment Form

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**Select a project for comment::** Line 5

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The Corps conducted a public hearing on June 4 in Ashland, Wisconsin. View [more information on the public hearing](#).

WCMP will not host a separate public hearing.

**Your Name or Organization:** Caro Tippet

*Please note that providing your name or organization is not necessary or required. The State of Wisconsin will not follow up.*

**Comments::** Enbridge does not have the required permits and has not provided enough information on the project's impacts to determine consistency with the state's coastal policies; Because Enbridge has a poor safety record and a history of oil disasters, spills are foreseeable and threaten Wisconsin's coastal areas, wildlife, trout streams, recreation, and groundwater; Flooding is a serious threat during construction of the reroute and could be exacerbated by permanent changes to how water naturally moves along the corridor. The region has seen more intense and more frequent floods due to climate change, including two devastating, 500-year floods in the last decade; The public has not been given sufficient opportunity to voice comments and concerns.

WCMP should not rely on the Army Corps process and needs to hold a separate public hearing specifically about Line 5's impacts to Wisconsin's coastal resources. The nation is paying attention to this.

# Federal Consistency Public Comment Form

8/7/2024 12:20:42 PM

## Introduction

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## Federal Consistency Public Comment Form

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**Select a project for comment::** Line 5

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The Corps conducted a public hearing on June 4 in Ashland, Wisconsin. View [more information on the public hearing](#).

WCMP will not host a separate public hearing.

**Your Name or Organization:** Abbey

*Please note that providing your name or organization is not necessary or required. The State of Wisconsin will not follow up.*

**Comments::** Enbridge does not have the required permits and has not provided enough information on the project's impacts to determine consistency with the state's coastal policies; Because Enbridge has a poor safety record and a history of oil disasters, spills are foreseeable and threaten Wisconsin's coastal areas, wildlife, trout streams, recreation, and groundwater; Flooding is a serious threat during construction of the reroute and could be exacerbated by permanent changes to how water naturally moves along the corridor. The region has seen more intense and more frequent floods due to climate change, including two devastating, 500-year floods in the last decade; The public has not been given sufficient opportunity to voice comments and concerns.

WCMP should not rely on the Army Corps process and needs to hold a separate public hearing specifically about Line 5's impacts to Wisconsin's coastal resources.

# Federal Consistency Public Comment Form

8/13/2024 8:13:23 AM

## Introduction

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## Federal Consistency Public Comment Form

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**Select a project for comment::** Line 5

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Written comments will be accepted during the public hearing, from 12:00pm until 11:59 pm on August 15, 2024.

**Your Name or Organization:** Taylor M

*Please note that providing your name or organization is not necessary or required. The State of Wisconsin will not follow up.*

**Comments::** Enbridge does not have the required permits and has not provided enough information on the project's impacts to determine consistency with the state's coastal policies; Because Enbridge has a poor safety record and a history of oil disasters, spills are foreseeable and threaten Wisconsin's coastal areas, wildlife, trout streams, recreation, and groundwater; Flooding is a serious threat during construction of the reroute and could be exacerbated by permanent changes to how water naturally moves along the corridor. The region has seen more intense and more frequent floods due to climate change, including two devastating, 500-year floods in the last decade; The public has not been given sufficient opportunity to voice comments and concerns. WCMP should not rely on the Army Corps process and needs to hold a separate public hearing specifically about Line 5's impacts to Wisconsin's coastal resources.

# Federal Consistency Public Comment Form

8/15/2024 1:34:27 PM

## Introduction

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## Federal Consistency Public Comment Form

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**Select a project for comment::** Line 5

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**Your Name or Organization:** WI Carpenters Union

*Please note that providing your name or organization is not necessary or required. The State of Wisconsin will not follow up.*

**Comments::** On behalf of the North Central States Regional Council of Carpenters (NCSRCC) I write to urge you to issue the necessary permits for the Line 5 Wisconsin Segment Relocation Project. The NCSRCC represents 36 local unions in Wisconsin, Iowa, Minnesota, Nebraska, North Dakota and South Dakota. Our nearly 27,000 members include carpenters, floor coverers, lathers, millwrights, pile drivers and industrial workers. As a union, we are dedicated to protecting and elevating the economic and social condition of all workers. We partner with contractors to provide our industry with the best trained, most productive and safest workforce available. The superior productivity and skills our members bring to the jobsite reward them with pay and benefits that allow them to provide a better life for themselves, their families and communities. Our union, and our members, also take very seriously our commitment to protecting the environment. Not only because we care about the world we leave behind for future generations, but because many of our members hunt, fish, camp and hike in our state's forests, lakes and rivers. That is why, despite not

being directly involved in the Line 5 relocation project's construction, we view the project not only as a jobs creator and an energy provider, but we also care how it will be built and operated. The NCSRCC has reviewed the proposed relocation project plans, and we are confident Enbridge has proposed a route, construction methods, and post-construction operation monitoring that will ensure the Line 5 relocation is completed safely, with as little environmental impact as possible, and be able to operate for years to come in a safe manner. Sincerely, Andrew Disch

# Federal Consistency Public Comment Form

8/15/2024 3:40:16 PM

## Introduction

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## Federal Consistency Public Comment Form

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**Your Name or Organization:** Julia Nerbonne

*Please note that providing your name or organization is not necessary or required. The State of Wisconsin will not follow up.*

**Comments::** Hello I am a property owner in Iron River Wisconsin, and a full time resident of Minnesota. I am profoundly concerned about the reroute of Enbridge Line 5. Between 2020 and 2023 I watched as Enbridge failed to safely or transparently construct the Line 3 Pipeline. The Minnesota Pollution Control Agency released data in 2022 showing that this company has been complicit 28 unique spill incidents – each one a unique example of how they violated constructions permits. In addition to these spills; 12 of 21, or 63%, of the horizontal directional drilling crossings were polluted with drilling fluid; and 80%, or 12 of 15 of the rivers being crossed with this method were impacted. ( <https://www.mepartnership.org/line3/aquifer-breach/>) They were so sloppy with their construction that they reportedly breached 5 separate aquifers during the course of the construction process. Here is just one example: On January 21, 2021, Enbridge sunk pilings of 18 rather than the permitted 8 feet, breaching an artesian aquifer near Clearbrook, Minnesota leading to uncontrolled water flow out of the aquifer. Despite the fact that water was continuing to escape

the aquifer, Enbridge failed to report this to state regulators until June, and the public was not informed until September (9 months after it happened). Enbridge opted instead to continue construction of the pipeline, leaving the water to flow uncontrolled for more than a year. This company does not have the best interest of the people of Wisconsin or Bad River band. As a society we need to leave the tar sands oil in the ground and we need to protect the ecosystems, the people and the water. Please deny the permit. Sincerely, Julia Nerbonne Iron River Wisconsin and Minneapolis Minnesota

# Federal Consistency Public Comment Form

8/9/2024 9:25:59 AM

## Introduction

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## Federal Consistency Public Comment Form

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WCMP will not host a separate public hearing.

**Your Name or Organization:** Denise bevis

*Please note that providing your name or organization is not necessary or required. The State of Wisconsin will not follow up.*

**Comments::** Enbridge does not have the required permits and has not provided enough information on the project's impacts to determine consistency with the state's coastal policies; Because Enbridge has a poor safety record and a history of oil disasters, spills are foreseeable and threaten Wisconsin's coastal areas, wildlife, trout streams, recreation, and groundwater; Flooding is a serious threat during construction of the reroute and could be exacerbated by permanent changes to how water naturally moves along the corridor. The region has seen more intense and more frequent floods due to climate change, including two devastating, 500-year floods in the last decade; The public has not been given sufficient opportunity to voice comments and concerns.

WCMP should not rely on the Army Corps process and needs to hold a separate public hearing specifically about Line 5's impacts to Wisconsin's coastal resources.

# Federal Consistency Public Comment Form

8/14/2024 11:36:24 AM

## Introduction

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## Federal Consistency Public Comment Form

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**Select a project for comment::** Line 5

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**Your Name or Organization:** Costanza

*Please note that providing your name or organization is not necessary or required. The State of Wisconsin will not follow up.*

**Comments::** Enbridge does not have the required permits and has not provided enough information on the project's impacts to determine consistency with the state's coastal policies; Because Enbridge has a poor safety record and a history of oil disasters, spills are foreseeable and threaten Wisconsin's coastal areas, wildlife, trout streams, recreation, and groundwater; Flooding is a serious threat during construction of the reroute and could be exacerbated by permanent changes to how water naturally moves along the corridor. The region has seen more intense and more frequent floods due to climate change, including two devastating, 500-year floods in the last decade; The public has not been given sufficient opportunity to voice comments and concerns. WCMP should not rely on the Army Corps process and needs to hold a separate public hearing specifically about Line 5's impacts to Wisconsin's coastal resources.

# Federal Consistency Public Comment Form

8/15/2024 11:13:30 AM

## Introduction

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## Federal Consistency Public Comment Form

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**Your Name or Organization:** Construction Business Group

*Please note that providing your name or organization is not necessary or required. The State of Wisconsin will not follow up.*

**Comments::** For all of the reasons set forth in my written comments filed with the Army Corps of Engineers (which are copied below), I respectfully request that the DOA Wisconsin Coastal Management Program complete its Federal Consistency Determination and issue its concurrence as soon as possible. Construction Business Group ("CBG") is a trade association dedicated to enhancing business opportunities and quality of life by ensuring fairness, equity, and standards of excellence in the construction industry of Wisconsin. CBG protects the interests of 21,000 tradesmen and tradeswomen and 3,500 union contractors. CBG has reviewed the Combined Decision Document Prepared for the Enbridge Line 5 Wisconsin Segment Relocation Project ("Draft EA") and appreciates the opportunity to submit comments to the U.S. Army Corps of Engineers ("USACE"). A. The Draft EA Appropriately Identifies the Project Purpose and Need. Line 5 provides transportation services for the energy products of numerous shippers and consumers throughout the region, including in Canada. Line 5 transports approximately 540,000 barrels per day of

petroleum products, including 460,000 barrels per day of crude oil and 80,000 barrels per day of natural gas liquids ("NGLs") from Superior, Wisconsin, to Sarnia, Ontario. The USACE correctly found that the "purpose and need" for the project is "to transport crude oil and NGLs entirely outside the Bad River Reservation at approximately the same capacities provided by Enbridge's existing Line 5 pipeline." Draft EA, p. 25. Only a relocation of the pipeline will allow Line 5 products to continue to be received by those in need of them. The purpose and need of the Line 5 Project are not to pursue non-Line 5 or other energy alternatives that are outside the control of Enbridge and USACE. The USACE should not change the purpose and need determination, as reflected in the Draft EA, in its final decision.

B. The Draft EA Fully Assesses a Reasonable Range of Alternatives Consistent with the Project's Purpose and Need. The USACE is only required to analyze alternatives that concern continued operation of Line 5 outside of Tribal Lands. The Draft EA thoroughly analyzes alternative routings for the Line 5 Project. Draft EA, pp. 37-46. No other alternatives are required to be analyzed beyond the routing alternatives presented in the Draft EA. Nonetheless, the USACE also considered rail and trucking, both of which were correctly determined to be not reasonable, practical or economically feasible. Draft EA, pp. 35-37. A Line 5 shutdown is not an action alternative that should be, or needs to be, considered by USACE. A Line 5 shutdown does not meet the stated purpose and need because it calls for an action beyond USACE's control – USACE's jurisdiction is limited by law to permitting activities in federally-regulated waters and wetlands and does not extend to the closure of Line 5. As the USACE correctly notes in the Draft EA, the agency "has no authority to determine the fate of the existing pipeline within the Bad River Reservation." Draft EA, p. 31.

C. An EIS is not Required. The USACE correctly concluded that, under the National Environmental Policy Act ("NEPA"), the Line 5 Project is properly evaluated with an EA, and not an EIS. EAs have been prepared "for similar and more extensive impacts" for other pipeline constructions. Draft EA, p. 22. "EAs are typically prepared when the effects of the federal action on the human environment are not likely to be significant or are unknown." Draft EA, p. 22. As the Draft EA makes clear, impacts are not likely to be significant given that the Line 5 Project will result in permanent discharge of fill material into only 998 square feet (0.02 acres) of wetlands and temporary discharges of dredged or fill material into 101.1 acres of wetlands and 0.20 acres of non-wetland waters. It will also result in only temporary and localized disturbance at stream crossings during construction, with the waters returning to pre-construction conditions following construction and restoration. The impacts resulting from pipeline construction are well understood and documented. The USACE has permitted numerous similar projects throughout the country that have not resulted in significant impacts. There is no data or evidence to suggest that the impacts are significant and warrant an EIS. Any significant impacts that may be identified by commenters are purely theoretical, speculative, and not supported by credible, reliable evidence. The USACE should accordingly conclude that an EA is all that is needed to satisfy NEPA for the Line 5 Project.

D. There are No Connected Actions to the Relocation Project. The USACE correctly found that the Tunnel Project (occurring hundreds of miles away in Michigan) and the Line 5 Project are not connected actions that need to be assessed in the same NEPA document. As the USACE correctly concluded, "neither action would automatically trigger the other; issuance of a permit for one project would not cause or require the applicant to undertake the other; and neither project requires the other to occur simultaneously or in advance to proceed." Draft EA, p. 21. The USACE also correctly concluded that each project serves different purposes: the Line 5 Project is to reroute Line 5 around the Bad River Reservation and the Tunnel Project is to effectuate agreements between the State of Michigan and Enbridge to replace the existing pipelines on the lakebed. "These projects are not proposed as a coordinated effort to upgrade or expand the entire Line 5 pipeline." Draft EA, p. 21. Just because both projects pertain to Line 5, albeit vastly different segments, does not mean that they are connected for purposes of USACE's NEPA analysis. The

Draft EA correctly considers only the effects of the Line 5 Project and not the Tunnel Project. E. The USACE Should Issue a Finding of No Significant Impact and Final Permit. The above comments highlight some of the significant legal issues that are likely to be raised by commentators opposing the Line 5 Project. The Draft EA, as a whole, demonstrates that the Line 5 Project meets all legal requirements for issuance of a permit by the USACE. Construction Business Group respectfully requests that a finding of no significant impact and finally, a permit be issued as soon as possible. The year-long agency review and multiple public comment periods should come to a close as soon as possible. Again, thank you for the opportunity to comment on the Draft EA on Enbridge's Line 5 Project. Sincerely yours, /s/ Robb Kahl Robb Kahl Executive Director

# Federal Consistency Public Comment Form

8/15/2024 3:45:01 PM

## Introduction

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## Federal Consistency Public Comment Form

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**Select a project for comment::** Line 5

The Wisconsin Coastal Management Program (WCMP), State of Wisconsin, Department of Administration, has received correspondence from the United States Army Corps of Engineers, St. Paul District Division (Corps) and Enbridge Energy, Limited Partnership, on activities associated with the construction of the proposed Line 5 Wisconsin segment relocation project. The proposed activities are subject to review for consistency under the policies of the Wisconsin Coastal Management Program (WCMP).

Written comments will be accepted during the public hearing, from 12:00pm until 11:59 pm on August 15, 2024.

**Your Name or Organization:** Scott Russell

*Please note that providing your name or organization is not necessary or required. The State of Wisconsin will not follow up.*

**Comments::** I was very active in opposing Enbridge Line 3 in Minnesota. The purpose of my comments is to bring forward the warning signs for Enbridge Line 5. Line 3 and the Line 5 reroute have a lot in common. Line 3 had a significant reroute, too, opening a pipeline corridor in areas where a pipeline corridor had not existed before. Both pipelines cut through a lot of water and wetlands. The environmental damage that occurred during Line 3 construction went well beyond what was anticipated. You should be concerned that Line 5 construction will result in much more environmental damage than anticipated, too. Past behavior is a good predictor of future actions. Enbridge's track record and pattern of deception should weigh heavily against this project. Enbridge has not shown itself to be a trusted partner. One red flag is that Line 3 permits did not protect the environment. For instance, Line 3 construction breached at least four artesian aquifers, releasing hundreds of millions of gallons of groundwater. Enbridge's first-known artesian aquifer breach occurred Jan. 21, 2021, less than two months into construction. It occurred in Clearbrook

near Enbridge's tank farm, in what is 1855 Treaty Territory. Red flag: It was not "repaired" for a year, and using the word "repair" is a euphemism. The fix involved injected 547,692 gallons of grout (think cement) underground to try to stem the artesian flow. That's enough to build an underground grout wall two-feet thick, 20-feet tall, and more than a third of a mile long. That is a plug, not a repair. Enbridge's "repair" has forever changed this area's hydrology. Red flag: Enbridge did not stop work to figure out how to prevent further aquifer breaches. In fact, it did not even report the breach to the state as its permit required. Red flag: The Clearbrook breach occurred because workers did not follow plans that Enbridge submitted to the state, according to a Sept. 16, 2021 media statement from the Minnesota Department of Natural Resources (DNR). Enbridge's plans called for the use of traditional trench construction methods at a depth of 8-10 feet, the statement said. Instead, workers constructed the trench approximately 18 feet deep and pounded sheet pilings 28 feet into the ground, as a barrier to groundwater flow into the trench. The sheet pilings punctured the artesian aquifer cap. Red flag: Enbridge's permit required it to report such permit violations immediately. The DNR would not learn about it for 140 days. Even then, it was not Enbridge that made the report. The DNR learned about it through conversations with Independent Environmental Monitors. In a media statement, DNR Commissioner Sarah Strommen said: Enbridge's actions "are clear violations of state law and also of public trust. This never should have happened." Line 3 workers would not have deviated that far from plan on their own. The public still does not know who made the call to change the plans and why. The public still deserves an answer. The fine and "repair" were not significant for a company the size of Enbridge. These pipeline companies seem too big to regulate. Michigan had its own trust problems with Enbridge. In 2017, Michigan regulators learned that Enbridge had withheld information for three years regarding damage to a high-risk stretch of Enbridge's Line 5 that runs along the floor of the Straits of Mackinac in the Great Lakes. The director of Michigan's Energy Agency was quoted at the time saying: "right now any trust we had in Enbridge has been seriously eroded." Some further context: Enbridge had two major pipeline spills in 2010, one in Michigan and one in Illinois. In response, the federal government negotiated a Consent Decree with Enbridge, requiring it to take specific steps to improve pipeline safety. It was signed May 23, 2017. Two years later, the U.S. Environmental Protection Agency (EPA) and a third-party monitor "concluded that six inspections conducted last year did not meet the time frame under the settlement," the CBC reported. Enbridge did not take responsibility, "saying there was an honest dispute over when the clock had started." Still, Enbridge paid a \$1.8 million fine. In 2020, the EPA fined Enbridge \$6.7 million for violating the Consent Decree, "saying the company failed to remedy pipeline-safety issues in a timely manner," the Star Tribune reported. Among other things, the EPA noted that "Enbridge neglected to properly evaluate thousands of 'shallow dents' on its Lakehead Pipeline System, which runs across northern Minnesota and through northwestern Wisconsin." "Just over \$3 million of the \$6.7 million in fines involved Enbridge's failure to repair or mitigate small dents that showed indications of 'metal loss' and 'cracking,'" the EPA letter said. Again, Enbridge did not take responsibility. A company spokesman "disagreed over the nature of the small dents." The company downplayed the fine, saying most of it was from administrative issues. The Consent Decree also required Enbridge to apply to the state of Minnesota to replace its old and failing Line 3 pipeline. The Decree required Enbridge to provide Minnesota regulators "with complete and adequate information" for permit reviews "as expeditiously as practical..." Red flag: Administrative Law Judge (ALJ) Ann O'Reilly evaluated Enbridge's Line 3 proposal on behalf of the PUC. In her final report, she wrote that Enbridge's analysis of the pipeline's water impacts was neither "credible" nor "persuasive". The DNR wrote Enbridge's Environmental Protection Plan "is too general to be relied upon ..." Enbridge had the financial wherewithal and expertise to provide complete and adequate information in a timely manner. It only provided the needed information when compelled to do so. Red flag: More

concerning are Enbridge's efforts to duck liability for a major spill cleanup. During the Line 3 debate, Minnesota Department of Commerce's Deputy Commissioner Bill Grant shared a lesson with the PUC that the department learned from Enbridge's earlier Sandpiper Pipeline proposal (which never got built). Only later did the state understand that Enbridge's proposed language assigned liability to a subsidiary that lacked the funds to pay for a cleanup. This problem is not unique to Minnesota. Former Michigan Gov. Rick Snyder's administration negotiated an easement with Enbridge to continue operating Line 5 through the Great Lakes. In the agreement, Enbridge said it would ensure covering up to \$1.878 billion in clean-up costs. Line 3 debates in Minnesota prompted Michigan leaders to review the Snyder administration's easement deal with Enbridge. It commissioned a study: *An Analysis of The Enbridge Financial Assurances Offered to the State of Michigan*, which was released Oct. 29, 2019. It looked at the costs of cleaning up an oil spill in the Great Lakes. Estimates ranged from \$300 million (Enbridge) to \$45 billion (Michigan State University study). Independent Risk Analysis estimated the cost at \$1.878 billion, and the report said that was "on the low end of the possible range" of damages. The study found that Enbridge Inc. had 275 subsidiaries. It concluded that Enbridge's corporate structure would leave Michigan with financial liability in the case of a major spill in the Straits of Mackinac — unless Enbridge Inc. provided "a voluntary financial bailout." Michigan Attorney General Dana Nessel called Enbridge's efforts to avoid liability "the 'most chilling finding of the report,'" according to an MLive story. Further, "Enbridge Energy Partners L.P. seriously misrepresented its financial holdings when it made its deal with the Snyder Administration." I believe these are serious deceptions. They beg the question: Why would Minnesota, Michigan, or the federal government continue doing business with a company that cannot be trusted to be honest in its financial representations and also try to avoid responsibility for the damages it causes? Its track record should disqualify the company from doing new projects in the United States. Wisconsin's coastal areas, wildlife, trout streams, recreation, and groundwater are under threat if you approve this project. Thank you for your consideration.

# Federal Consistency Public Comment Form

8/9/2024 2:26:36 PM

## Introduction

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## Federal Consistency Public Comment Form

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**Update: WCMP has extended the deadline to August 4, 2024.** Please note that, while the form had an original deadline of June 21, comments will be accepted through August 4.

The Corps conducted a public hearing on June 4 in Ashland, Wisconsin. View [more information on the public hearing](#).

WCMP will not host a separate public hearing.

**Your Name or Organization:** Grace

*Please note that providing your name or organization is not necessary or required. The State of Wisconsin will not follow up.*

**Comments::** Enbridge does not have the required permits and has not provided enough information on the project's impacts to determine consistency with the state's coastal policies; Because Enbridge has a poor safety record and a history of oil disasters, spills are foreseeable and threaten Wisconsin's coastal areas, wildlife, trout streams, recreation, and groundwater; Flooding is a serious threat during construction of the reroute and could be exacerbated by permanent changes to how water naturally moves along the corridor. The region has seen more intense and more frequent floods due to climate change, including two devastating, 500-year floods in the last decade; The public has not been given sufficient opportunity to voice comments and concerns.

WCMP should not rely on the Army Corps process and needs to hold a separate public hearing specifically about Line 5's impacts to Wisconsin's coastal resources.

# Federal Consistency Public Comment Form

8/15/2024 12:24:05 PM

## Introduction

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**Your Name or Organization:** Maddie Loeffler

*Please note that providing your name or organization is not necessary or required. The State of Wisconsin will not follow up.*

**Comments::** The Line 5 reroute is inconsistent with Wisconsin's coastal management program. Enbridge does not have the required permits and has not provided enough information on the project's impacts. Because Enbridge has a poor safety record and a history of oil disasters, spills are foreseeable and threaten Wisconsin's coastal areas, wildlife, trout streams, recreation, and groundwater. Flooding is a serious threat during construction of the reroute and could be exacerbated by permanent changes to how water naturally moves along the corridor. The region has seen more intense and more frequent floods due to climate change, including two devastating, 500-year floods in the last decade.

# Federal Consistency Public Comment Form

8/14/2024 7:17:48 PM

## Introduction

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**Your Name or Organization:** Marjie Tomter for Ozaukee County Water Coalition

*Please note that providing your name or organization is not necessary or required. The State of Wisconsin will not follow up.*

**Comments::** Enbridge does not have the required permits and has not provided enough information on the project's impacts to determine consistency with the state's coastal policies; Because Enbridge has a poor safety record and a history of oil disasters, spills are foreseeable and threaten Wisconsin's coastal areas, wildlife, trout streams, recreation, and groundwater; Flooding is a serious threat during construction of the reroute and could be exacerbated by permanent changes to how water naturally moves along the corridor. The region has seen more intense and more frequent floods due to climate change, including two devastating, 500-year floods in the last decade.

# Federal Consistency Public Comment Form

8/11/2024 4:39:47 PM

## Introduction

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WCMP will not host a separate public hearing.

**Your Name or Organization:**

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**Comments::** Enbridge does not have the required permits and has not provided enough information on the project's impacts to determine consistency with the state's coastal policies; Because Enbridge has a poor safety record and a history of oil disasters, spills are foreseeable and threaten Wisconsin's coastal areas, wildlife, trout streams, recreation, and groundwater; Flooding is a serious threat during construction of the reroute and could be exacerbated by permanent changes to how water naturally moves along the corridor. The region has seen more intense and more frequent floods due to climate change, including two devastating, 500-year floods in the last decade; The public has not been given sufficient opportunity to voice comments and concerns.

WCMP should not rely on the Army Corps process and needs to hold a separate public hearing specifically about Line 5's impacts to Wisconsin's coastal resources.

# Federal Consistency Public Comment Form

8/6/2024 11:33:15 PM

## Introduction

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**Your Name or Organization:** Cohen B.

*Please note that providing your name or organization is not necessary or required. The State of Wisconsin will not follow up.*

**Comments::** Enbridge does not have the required permits and has not provided enough information on the project's impacts to determine consistency with the state's coastal policies; Because Enbridge has a poor safety record and a history of oil disasters, spills are foreseeable and threaten Wisconsin's coastal areas, wildlife, trout streams, recreation, and groundwater; Flooding is a serious threat during construction of the reroute and could be exacerbated by permanent changes to how water naturally moves along the corridor. The region has seen more intense and more frequent floods due to climate change, including two devastating, 500-year floods in the last decade; The public has not been given sufficient opportunity to voice comments and concerns.

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# Federal Consistency Public Comment Form

8/15/2024 10:01:05 AM

## Introduction

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**Your Name or Organization:**

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**Comments::** Enbridge does not have the required permits and has not provided enough information on the project's impacts to determine consistency with the state's coastal policies; Because Enbridge has a poor safety record and a history of oil disasters, spills are foreseeable and threaten Wisconsin's coastal areas, wildlife, trout streams, recreation, and groundwater; Flooding is a serious threat during construction of the reroute and could be exacerbated by permanent changes to how water naturally moves along the corridor. The region has seen more intense and more frequent floods due to climate change, including two devastating, 500-year floods in the last decade; The public has not been given sufficient opportunity to voice comments and concerns. WCMP should not rely on the Army Corps process and needs to hold a separate public hearing specifically about Line 5's impacts to Wisconsin's coastal resources.

# Federal Consistency Public Comment Form

8/15/2024 10:03:58 PM

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**Your Name or Organization:** Sharon Valarie

*Please note that providing your name or organization is not necessary or required. The State of Wisconsin will not follow up.*

**Comments::** Deny all permits! It is irresponsible to allow so many water crossings, our Great Lakes are not worth the risk to allow such a heinous pipe to continue to operate let alone create more damage Enbridge is in violation of treaties, Enbridge is trespassing against federal ruling Enbridge cannot be trusted they violate their permits they do not report accidents they cannot be allowed to hold our fresh water hostage. This is the United States why would you side with a foreign corporation over our own precious irreplaceable resource

# Federal Consistency Public Comment Form

8/8/2024 4:59:11 PM

## Introduction

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**Your Name or Organization:** Lily Jones

*Please note that providing your name or organization is not necessary or required. The State of Wisconsin will not follow up.*

**Comments::** Enbridge does not have the required permits and has not provided enough information on the project's impacts to determine consistency with the state's coastal policies; Because Enbridge has a poor safety record and a history of oil disasters, spills are foreseeable and threaten Wisconsin's coastal areas, wildlife, trout streams, recreation, and groundwater; Flooding is a serious threat during construction of the reroute and could be exacerbated by permanent changes to how water naturally moves along the corridor. The region has seen more intense and more frequent floods due to climate change, including two devastating, 500-year floods in the last decade; The public has not been given sufficient opportunity to voice comments and concerns.

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# Federal Consistency Public Comment Form

8/12/2024 7:42:33 AM

## Introduction

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**Your Name or Organization:** Post to

*Please note that providing your name or organization is not necessary or required. The State of Wisconsin will not follow up.*

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# Federal Consistency Public Comment Form

8/8/2024 10:45:36 PM

## Introduction

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WCMP will not host a separate public hearing.

**Your Name or Organization:**

*Please note that providing your name or organization is not necessary or required. The State of Wisconsin will not follow up.*

**Comments::** The Great Lakes are such a precious ecosystem and source of CLEAN freshwater for millions of people and animals. This water must be protected and indigenous treaties must be upheld. As a young person, I want a clean future and line 5 is NOT that.

# Federal Consistency Public Comment Form

8/15/2024 12:42:18 PM

## Introduction

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## Federal Consistency Public Comment Form

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**Select a project for comment::** Line 5

The Wisconsin Coastal Management Program (WCMP), State of Wisconsin, Department of Administration, has received correspondence from the United States Army Corps of Engineers, St. Paul District Division (Corps) and Enbridge Energy, Limited Partnership, on activities associated with the construction of the proposed Line 5 Wisconsin segment relocation project. The proposed activities are subject to review for consistency under the policies of the Wisconsin Coastal Management Program (WCMP).

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**Your Name or Organization:** Leanna Goose

*Please note that providing your name or organization is not necessary or required. The State of Wisconsin will not follow up.*

**Comments::** Line 5 is a project that is not needed. In this current moment we do not need to add any fuel to the climate change crisis. Freshwater resources are something that must be protected at all costs as all living beings need clean water for their survival. Please do not allow the company Enbridge to violate Indigenous rights and the rights of all people to clean water. This is a 70-year-old pipeline that should not even be in operation, it is dangerous! Please reject the reroute and SHUT IT DOWN!

# Federal Consistency Public Comment Form

8/5/2024 7:11:58 PM

## Introduction

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## Federal Consistency Public Comment Form

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**Select a project for comment::** Line 5

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**Update: WCMP has extended the deadline to August 4, 2024.** Please note that, while the form had an original deadline of June 21, comments will be accepted through August 4.

The Corps conducted a public hearing on June 4 in Ashland, Wisconsin. View [more information on the public hearing](#).

WCMP will not host a separate public hearing.

**Your Name or Organization:** Fi

*Please note that providing your name or organization is not necessary or required. The State of Wisconsin will not follow up.*

**Comments::** Enbridge does not have the required permits and has not provided enough information on the project's impacts to determine consistency with the state's coastal policies; Because Enbridge has a poor safety record and a history of oil disasters, spills are foreseeable and threaten Wisconsin's coastal areas, wildlife, trout streams, recreation, and groundwater; Flooding is a serious threat during construction of the reroute and could be exacerbated by permanent changes to how water naturally moves along the corridor. The region has seen more intense and more frequent floods due to climate change, including two devastating, 500-year floods in the last decade; The public has not been given sufficient opportunity to voice comments and concerns.

WCMP should not rely on the Army Corps process and needs to hold a separate public hearing specifically about Line 5's impacts to Wisconsin's coastal resources.

# Federal Consistency Public Comment Form

8/15/2024 12:09:10 PM

## Introduction

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Refer to the [state's specific coastal policies](#).

## Federal Consistency Public Comment Form

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**Select a project for comment::** Line 5

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Written comments will be accepted during the public hearing, from 12:00pm until 11:59 pm on August 15, 2024.

**Your Name or Organization:** Wisconsin Sierra Club

*Please note that providing your name or organization is not necessary or required. The State of Wisconsin will not follow up.*

**Comments::** My name is Jean Brooks. I live in Fort Atkinson, Wisconsin. There are several reasons to shut down line 5, but a big point of concern is our changing climate. We have been told repeatedly that burning fossil fuels could lead to our destruction. Clearly, we need to find alternatives to fossil fuel, even if it means sacrificing some of our luxuries. We need leaders with the foresight to do this and not just babble.

# Federal Consistency Public Comment Form

8/12/2024 9:20:26 PM

## Introduction

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## Federal Consistency Public Comment Form

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**Select a project for comment::** Line 5

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WCMP will not host a separate public hearing.

**Your Name or Organization:** chilli

*Please note that providing your name or organization is not necessary or required. The State of Wisconsin will not follow up.*

**Comments::** Enbridge does not have the required permits and has not provided enough information on the project's impacts to determine consistency with the state's coastal policies; Because Enbridge has a poor safety record and a history of oil disasters, spills are foreseeable and threaten Wisconsin's coastal areas, wildlife, trout streams, recreation, and groundwater; Flooding is a serious threat during construction of the reroute and could be exacerbated by permanent changes to how water naturally moves along the corridor. The region has seen more intense and more frequent floods due to climate change, including two devastating, 500-year floods in the last decade; The public has not been given sufficient opportunity to voice comments and concerns.

WCMP should not rely on the Army Corps process and needs to hold a separate public hearing specifically about Line 5's impacts to Wisconsin's coastal resources.

# Federal Consistency Public Comment Form

8/15/2024 12:47:49 PM

## Introduction

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## Federal Consistency Public Comment Form

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**Select a project for comment::** Line 5

The Wisconsin Coastal Management Program (WCMP), State of Wisconsin, Department of Administration, has received correspondence from the United States Army Corps of Engineers, St. Paul District Division (Corps) and Enbridge Energy, Limited Partnership, on activities associated with the construction of the proposed Line 5 Wisconsin segment relocation project. The proposed activities are subject to review for consistency under the policies of the Wisconsin Coastal Management Program (WCMP).

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**Your Name or Organization:** Emma Needham

*Please note that providing your name or organization is not necessary or required. The State of Wisconsin will not follow up.*

**Comments::** I comment as an ally and relative to the land of Mni Sota Makoce, which expands beyond the boundaries of the state of Minnesota into Wisconsin, Michigan, and Canada. There was very little time to prepare to provide comments and schedule this meeting. This is an ongoing problem with the Army Corp of Engineers and other state and federal entities responsible for organizing these public comment hearings. I know this because I attended and commented in may meetings against Enbridge's Line 3 in Minnesota, where I reside. Enbridge's Line 5 project reroute is inconsistent with the state Coastal Management Policies to identify, protect and mitigate risks to groundwater, surface water, recreation, water quality and more. Enbridge does not have the required permits to complete this project and has a proven track record of massive environmental degradation and damage. Enbridge is responsible for the two largest inland oil spills in history in MN in 1991 and MI in 2010. Additionally, during the construction of their Line 3 in MN in 2021, they breached at least three aquifers due to their negligence in lack of understanding of groundwaters

and wetlands and violation of their permits not to drive sheet metal more than a few feet under the ground to stabilize the pipeline. As fellow guardians of the Great Lakes and the freshwater they hold, the state and the federal government must consider this negative track record and the massive environmental impacts of this project on the water supply of all people and animals dependent on the Great Lakes for food, water, recreation, and culture. The only way to ensure that the federal and state policies are upheld to protect these resources is to deny Enbridge the permit to complete the Line 5 Reroute project.

# Federal Consistency Public Comment Form

8/15/2024 12:23:52 PM

## Introduction

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## Federal Consistency Public Comment Form

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**Select a project for comment::** Line 5

The Wisconsin Coastal Management Program (WCMP), State of Wisconsin, Department of Administration, has received correspondence from the United States Army Corps of Engineers, St. Paul District Division (Corps) and Enbridge Energy, Limited Partnership, on activities associated with the construction of the proposed Line 5 Wisconsin segment relocation project. The proposed activities are subject to review for consistency under the policies of the Wisconsin Coastal Management Program (WCMP).

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**Your Name or Organization:** Stephanie Spehar

*Please note that providing your name or organization is not necessary or required. The State of Wisconsin will not follow up.*

**Comments::** I believe the WCMP should reject Enbridge's Line 5 reroute project. This project (and Line 5's continued operation) is a danger to coastal wetlands and the ecosystem services they provide in terms of protecting water quality, flood control, and harboring biodiversity, as well as other essential services for all WI residents. I also think that Enbridge has not provided enough information on the project's impacts to determine consistency with the state's coastal policies. Enbridge has a well-documented poor safety record and a history of oil spills and other disasters. Such disasters could be devastating to Wisconsin's coastal areas and other waterways and natural resources in the region. Finally, the proposed reroute would also exacerbate flooding concerns, in a region that is already seeing more intense and more frequent floods due to climate change, including two devastating, 500-year floods in the last decade. Thank you for your consideration.

# Federal Consistency Public Comment Form

8/15/2024 1:00:59 PM

## Introduction

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## Federal Consistency Public Comment Form

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**Select a project for comment::** Line 5

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**Your Name or Organization:** Jill Ferguson

*Please note that providing your name or organization is not necessary or required. The State of Wisconsin will not follow up.*

**Comments::** Is it NOT in the best interest of WI & US citizens that WIDNR & USACE grant permits to Canadian Enbridge to ADD 41 new miles of pipeline to 71yo Line 5, considering; 1. The Great Lakes accounts for 90% of our nation's fresh water supply; Line 5 is rotting beneath it. 2. Line 5 projected lifespan in 1953 was 50 yr. 3. There is an imminent looming massive rupture about to occur at Bad River which will impact the Great Lakes. 4. Federal Judge Connelly ruled Enbridge has been illegally trespassing on tribal land for over a decade. 5. Truth be told, Wisconsin gets NONE of the oil — we are merely a shortcut from Canada back to Canada for Canada to export. We get 100% of the risk e.g. Enbridge caused the largest inland 'spill' in history - 1.2M gallons of oil dumped in the Kalamazoo River and 6. In WI they failed to report a 168,000 gal spill in Ft Atkinson for over a year and 7. Recently Enbridge completed Line 3 in Minnesota leaving irreparable ecological destruction in their wake. MN sued them \$11M for recklessness. 8. Michigan Gov Gretchen Whitmer issued a Notice of Termination and Revocation of the 1953 easement in Nov 2023 demanding Enbridge shut

down line 5. They refused by invoking a 1977 US-Canada Treaty stating they can come through the US unobstructed with the hydrocarbon of their choosing. 9. There are ongoing state and federal lawsuits involving Line 5. It's 21yrs past its safe serviceability and must be permanently shut down, not in the hands of the WI DNR + USACE to entertain approving an (insane) addition destroying more land and watersheds. 9. It's grossly unjust that the Bad River Band and the people of Michigan are forced to pay millions to fight this foreign corporation in the courts. 10. Both Enbridge and their contractor Michels Inc, have abysmal environment records, permit violations, and lawsuits. We enjoy 800 miles of Great Lakes coastline-why risk a non-renewable resource? Water Is Life is not a # it's a fact! END CANADA 1ST POLICIES!

# Federal Consistency Public Comment Form

8/15/2024 11:15:08 AM

## Introduction

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## Federal Consistency Public Comment Form

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**Select a project for comment::** Line 5

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Written comments will be accepted during the public hearing, from 12:00pm until 11:59 pm on August 15, 2024.

**Your Name or Organization:** Wisconsin Infrastructure Investment Now

*Please note that providing your name or organization is not necessary or required. The State of Wisconsin will not follow up.*

**Comments::** Comments on behalf of WIIN: For all of the reasons set forth in my written comments filed with the Army Corps of Engineers (which are copied below), I respectfully request that the DOA Wisconsin Coastal Management Program complete its Federal Consistency Determination and issue its concurrence as soon as possible. Wisconsin Infrastructure Investment Now, Inc. ("WIIN") is a nonprofit organization, and its mission is to educate the public, elected officials, and regulators on the societal and economic benefits of responsible investment in infrastructure projects. WIIN appreciates the opportunity to comment on the Combined Decision Document Prepared for the Enbridge Line 5 Wisconsin Segment Relocation Project ("CDD") and wishes to thank the U.S. Army Corps of Engineers ("COE") for the substantial time and effort it took to prepare the detailed analyses set forth in the CDD. 1. The CDD was Properly Limited to the Affected Waters of the U.S. The CDD scope is properly focused on waters subject to the COE's jurisdiction. The COE only has jurisdiction over the Line 5 Project to the extent it impacts federally regulated waters and wetlands

(i.e., waters of the U.S.) and neighboring uplands directly tied to those waters. Only 18% of the Line 5 Project is located within the COE's jurisdiction, which is comprised of 11% of the project area in jurisdictional waters and an additional 7% of the project area directly related to the jurisdictional waters. The COE properly concluded that it "does not regulate work in the uplands, which comprise[s] 82% of the [Line 5 Project] route." CDD, p. 14. Because the COE has no jurisdiction over the remainder of the Line 5 Project area, the CDD scope cannot legally extend more broadly to the entire 41-mile Line 5 Project. The COE should maintain the scope of the CDD in its final decision, despite what will likely be numerous demands to do so by those opposing the Line 5 Project.

2. The Record Fully Supports the Conclusion that Enbridge's Proposed Route is the Environmentally Preferred Route The CDD thoroughly analyzed how the proposed route has been designed to best avoid and mitigate impacts on sensitive resources. It also properly analyzed three route alternatives (RA-01, RA-02 and RA-03) and two additional variants of RA-01. The COE correctly concluded the RA-01 and its variants—which are likely to be supported by some commentors due to the shorter distance— "would result in greater impacts on aquatic resources," and would "not convey an environmental advantage." CDD, p. 40. Significantly, RA-1 (but not its variants) would also impact Copper Falls State Park. Id. The COE correctly concluded RA-02, which is a longer route, would affect 33.7 acres more of wetlands and cross 19 more perennial waterbodies than Enbridge's preferred route. This route would cause greater environmental disturbance. Similarly, the COE correctly concluded that RA-03, which is the longest route, would affect 319.7 acres more of wetlands and cross 21 more perennial waterbodies than Enbridge's preferred route. RA-03 would route the pipeline through other tribal watersheds, cross a national forest and other sensitive rivers and streams, and require additional pump stations.

3. The Line 5 Project Clearly Meets All Necessary Legal Standards for the Issuance of the Requested Permit The thorough analyses in the CDD demonstrate that the Line 5 Project meets all of the legal standards for the issuance of the requested permits. Without summarizing every finding, the following items are significant: a. The impact on water quality from the Line 5 Project will be "minor and temporary," CDD, p. 58; b. After extensive testing, it was determined that the Line 5 Project presents an unlikely risk to aquifers or private and municipal water supplies, CDD, pp. 70-71; c. The Line 5 Project would have only minor short-term effects on physical substrate, water circulation and fluctuation, suspended particulates and turbidity and aquatic ecosystems and organisms (including cumulative and secondary effects), CDD, pp. 74-75; d. Consistent with § 404(b)(2), the Line 5 Project will have no significant impact on human health or welfare, water supplies, wildlife and fish habitat, aquatic resources, ecosystem diversity, or recreational, aesthetic or economic values, CDD, p. 75; e. Wetland impacts from the Line 5 Project would be localized and minor, including permanent loss of only 0.02 acres of wetlands, permanent conversion of 33.92 acres of forested and scrub shrub wetlands into emergent wetlands, and temporary effects on only 101.1 acres of wetlands during construction, CDD, p. 80; f. "Overall, the proposed mitigation measures, restoration, and compensation" for the Line 5 Project will "have minor long-term effect on wetlands," CDD, p. 80. g. The Line 5 Project will "not have more than minimal detrimental effects on the public and private uses" of the project area, CDD, p. 89; h. Enbridge's proposed mitigation plan complies with Corps and EPA compensatory mitigation regulations, CDD, p. 90; i. The cumulative environmental impacts of the Line 5 Project are "less than significant," CDD, p. 98; j. The Line 5 Project will have "no adverse effect on historic properties," CDD, p. 101; and k. The Line 5 Project meets environmental justice standards set forth in Executive Order 12898, p. 132. The Corps has no jurisdiction to prohibit a construction project that meets the legal standards for the issuance of a permit. While the vocal opposition decries the environmental impacts of the Line 5 Project, the scientific data disproves their claims.

4. The COE Should Not Delay Finalizing the CDD and Issuing Permits State and federal agency reviews of the Line 5 Project have spanned many years. Given the relatively small size of the

project in relation to other pipeline projects, the extensive agency review and public comment opportunities have been generous, far exceeding what the law requires. While thorough analyses and public input are good and necessary, at some point extensions and delays cause harm. We are at that tipping point in the process for the Line 5 Project. The division between those who support and oppose the project continues to grow. However, the harsh reality is that fossil fuels are still needed for our everyday lives to function, and it is not realistic to shut down all pipelines. The products transported by Line 5 are necessary for Wisconsin homes and businesses. The Line 5 Project does not expand the use of fossil fuels. It simply reroutes a section of an existing pipeline off Tribal Land to respect the wishes of a Sovereign Nation. The CDD makes it abundantly clear that the Line 5 Project meets the legal standards for issuance of the requested permits from the COE. It is time to bring this matter to a close. Again, thank you for the opportunity to comment on the CDD for the Line 5 Project. Sincerely, /s/ Cynthia Buchko  
Cynthia Buchko General Counsel

# Federal Consistency Public Comment Form

8/15/2024 8:54:21 PM

## Introduction

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## Federal Consistency Public Comment Form

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**Your Name or Organization:** Angela Weise

*Please note that providing your name or organization is not necessary or required. The State of Wisconsin will not follow up.*

**Comments::** The freshwater of the Great Lakes and it's coastlines are in imminent inevitable catastrophic danger by allowing this Canadian oil corporation to continue to run its oil through line 5 oil pipeline. The replacement project only promises further dangers and destructions. I've seen first hand enbridges wreckless hastiness and massive unnecessary destruction installing line 3 pipeline in northern Minnesota. They hired entire police forces in that area where innocent people in peaceful prayerful protest were brutally arrested and given bogus charges including Grandmother's. Please don't allow this in our/ your Great Lakes so prescious to so many. This is 90% of this nation's freshwater. We/you simply cannot risk this. This entire nation depends on this nonrenewable source of freshwater and your decision. Please don't jeopardize it. So many lives depend on it. Our Children,Your Children, their Children..all future generations depend on your decision. Please shut down line 5 in danger of rupture at anytime and don't allow this foreign oil corporation to pummel through WI/MI only to serve themselves and go right back into Canada for

export. There is no dollar amount that should suffice for this fast tracking decision. Check out their track record please. We cannot drink oil. We cannot eat money.

# Federal Consistency Public Comment Form

8/15/2024 6:46:05 PM

## Introduction

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**Your Name or Organization:** Sierra Club

*Please note that providing your name or organization is not necessary or required. The State of Wisconsin will not follow up.*

**Comments::** Enbridge does not have the proper permits and has a history of oil spills. Climate change could lead to impacts of flooding which could lead to devastating impacts in the construction process of new oil pipelines. Oil spills make me feel bad directly for the water, flora and fauna and tribal rights. It is a time when oil use needs to stop being used because of climate change immediately and clean, sustainable renewable energy needs to be the future now.

# Federal Consistency Public Comment Form

8/15/2024 8:54:47 PM

## Introduction

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**Your Name or Organization:**

*Please note that providing your name or organization is not necessary or required. The State of Wisconsin will not follow up.*

**Comments::** Thank you for the opportunity to submit comments regarding the Line 5 pipeline reroute project. I do not think Enbridge has provided enough information to determine consistency with the state of Wisconsin's coastal policies, but evidence from prior projects suggests that this project would be no different and should be found inconsistent with coastal policies. Enbridge has a terrible safety record and the threat of flooding with this project specifically is significantly high. Enbridge's various pipelines have been publicly acknowledged to have spilled at least 33 times since 1968 and have released well over 1.1 Million gallons of toxic oils into the environment. The horizontal drilling methods Enbridge and it's construction and engineering associates claim to be so safely done led to the puncturing of three aquifers spanning three counties in Minnesota during the recent Line 3 Pipeline construction. This caused nearly 300 Million gallons of groundwater to flow to the surface, incurring fines and a criminal charge for Enbridge. Fines are but a superficial slap on the wrist for criminal international conglomerates like Enbridge and will do nothing to

prevent the same from occurring here in Wisconsin. We shouldn't trust Enbridge and their associates' assurances that this project will be any safer than all the others in the past and should instead look to the vast amount of evidence suggesting otherwise. Spills are inevitable and completely foreseeable and threaten Wisconsin's coastal areas, wildlife, trout streams, recreation, groundwater, residents and the Tribal Sovereignty of Lake Superior Chippewa Tribes whose treaty rights and cultural continuity are at stake. Enbridge is already on criminal trespass on Bad River Band's reservation, who have been open to negotiating the shut down of this pipeline with Enbridge while the oil company instead pours massive funds and resources into PR campaigns supporting their reroute instead. The Line 5 Reroute would cross nearly 200 bodies of water and more than 100 acres of wetlands, putting some of Wisconsin's most treasured coastal natural areas, including the Kakagon-Bad-River-Sloughs—the largest wetland complex on Lake Superior and a RAMSAR Wetland of International Importance—and Lake Superior herself, at risk of the environmental degradation typical to pipeline projects. Flooding is a serious threat during construction of the reroute which would likely be increased by permanent changes to how water naturally flows along the corridor. These aren't temporary changes as Enbridge and associates suggest and evidence continues to suggest otherwise when we look to other existing pipelines they've already constructed. This region has seen more intense and more frequent flooding due to climate change, including two devastating 500-year floods in only the last ten years. Union and construction workers do work hard here in Wisconsin to provide for their families, but the oil industry doesn't provide the long term financial security that more sustainable, renewable energy projects will and we should instead look to invest in these more for the environment and the economy alike. Furthermore, this specific pipeline flows from Canada back into Canada for export elsewhere and does little for meeting the energy needs of Wisconsin to begin with. Let's instead focus on renewable sources that stay in Wisconsin and truly provide for the people while protecting our precious natural resources. The Army Corps needs to run a full Environmental Impact Study still also as the EA isn't sufficient to outline these and many other environmental and social impacts with this project. Besides the enormous detriment to the environment pipeline projects always pose, construction areas also increase instances of violent crimes specifically against Indigenous individuals in the areas they are being worked on. You can learn more about MMIW or MMIP, Missing and Murdered Indigenous People to gain a better understanding of this as it's most often those who protect the land and stand "in the way" of greedy conglomerates like Enbridge who pay such high prices for their resistance. This comment period was also rather short, abrupt and little notice was given or advertised to participate and it would be more equitable to the public if it were longer, more inclusive and advertised more widely. Please consider allowing the people a better chance to be heard on this. Ultimately this pipeline will degrade the shoreline and overall environment locally in Wisconsin which would have international repercussions on the climate and should be denied and shut down to protect our environment, the wildlife, the land, and the people. Thank you again for reading and accepting public commentary on this issue.

# Federal Consistency Public Comment Form

8/11/2024 10:59:47 AM

## Introduction

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**Update: WCMP has extended the deadline to August 4, 2024.** Please note that, while the form had an original deadline of June 21, comments will be accepted through August 4.

The Corps conducted a public hearing on June 4 in Ashland, Wisconsin. View [more information on the public hearing](#).

WCMP will not host a separate public hearing.

**Your Name or Organization:** Sydney

*Please note that providing your name or organization is not necessary or required. The State of Wisconsin will not follow up.*

**Comments::** Enbridge does not have the required permits and has not provided enough information on the project's impacts to determine consistency with the state's coastal policies; Because Enbridge has a poor safety record and a history of oil disasters, spills are foreseeable and threaten Wisconsin's coastal areas, wildlife, trout streams, recreation, and groundwater; Flooding is a serious threat during construction of the reroute and could be exacerbated by permanent changes to how water naturally moves along the corridor. The region has seen more intense and more frequent floods due to climate change, including two devastating, 500-year floods in the last decade; The public has not been given sufficient opportunity to voice comments and concerns.

WCMP should not rely on the Army Corps process and needs to hold a separate public hearing specifically about Line 5's impacts to Wisconsin's coastal resources.

# Federal Consistency Public Comment Form

8/12/2024 7:20:04 AM

## Introduction

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The Wisconsin Coastal Management Program (WCMP) is conducts federal consistency reviews to verify the activities considered under a permit will comply with state coastal policies. Open comment periods will last for at least 21 days. More information on projects with an open comment period may be found at <https://coastal.wisconsin.gov>.

Refer to the [WCMP federal consistency webpage](#).

Refer to the [state's specific coastal policies](#).

## Federal Consistency Public Comment Form

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**Select a project for comment::** Line 5

The Wisconsin Coastal Management Program (WCMP), State of Wisconsin, Department of Administration, has received correspondence from the United States Army Corps of Engineers, St. Paul District Division (Corps) and Enbridge Energy, Limited Partnership, on activities associated with the construction of the proposed Line 5 Wisconsin segment relocation project. The proposed activities are subject to review for consistency under the policies of the Wisconsin Coastal Management Program (WCMP).

**Update: WCMP has extended the deadline to August 4, 2024.** Please note that, while the form had an original deadline of June 21, comments will be accepted through August 4.

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**Your Name or Organization:** Jude Moore

*Please note that providing your name or organization is not necessary or required. The State of Wisconsin will not follow up.*

**Comments::** Enbridge does not have the required permits and has not provided enough information on the project's impacts to determine consistency with the state's coastal policies; Because Enbridge has a poor safety record and a history of oil disasters, spills are foreseeable and threaten Wisconsin's coastal areas, wildlife, trout streams, recreation, and groundwater; Flooding is a serious threat during construction of the reroute and could be exacerbated by permanent changes to how water naturally moves along the corridor. The region has seen more intense and more frequent floods due to climate change, including two devastating, 500-year floods in the last decade; The public has not been given sufficient opportunity to voice comments and concerns.

WCMP should not rely on the Army Corps process and needs to hold a separate public hearing specifically about Line 5's impacts to Wisconsin's coastal resources.

# Federal Consistency Public Comment Form

8/6/2024 8:49:16 AM

## Introduction

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Refer to the [state's specific coastal policies](#).

## Federal Consistency Public Comment Form

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**Select a project for comment::** Line 5

The Wisconsin Coastal Management Program (WCMP), State of Wisconsin, Department of Administration, has received correspondence from the United States Army Corps of Engineers, St. Paul District Division (Corps) and Enbridge Energy, Limited Partnership, on activities associated with the construction of the proposed Line 5 Wisconsin segment relocation project. The proposed activities are subject to review for consistency under the policies of the Wisconsin Coastal Management Program (WCMP).

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**Your Name or Organization:** Shannon davis

*Please note that providing your name or organization is not necessary or required. The State of Wisconsin will not follow up.*

**Comments::** Enbridge does not have the required permits and has not provided enough information on the project's impacts to determine consistency with the state's coastal policies; Because Enbridge has a poor safety record and a history of oil disasters, spills are foreseeable and threaten Wisconsin's coastal areas, wildlife, trout streams, recreation, and groundwater; Flooding is a serious threat during construction of the reroute and could be exacerbated by permanent changes to how water naturally moves along the corridor. The region has seen more intense and more frequent floods due to climate change, including two devastating, 500-year floods in the last decade; The public has not been given sufficient opportunity to voice comments and concerns.

WCMP should not rely on the Army Corps process and needs to hold a separate public hearing specifically about Line 5's impacts to Wisconsin's coastal resources.

# Federal Consistency Public Comment Form

8/8/2024 4:31:41 AM

## Introduction

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Refer to the [WCMP federal consistency webpage](#).

Refer to the [state's specific coastal policies](#).

## Federal Consistency Public Comment Form

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**Select a project for comment::** Line 5

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**Your Name or Organization:**

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**Comments::** Enbridge does not have the required permits and has not provided enough information on the project's impacts to determine consistency with the state's coastal policies; Because Enbridge has a poor safety record and a history of oil disasters, spills are foreseeable and threaten Wisconsin's coastal areas, wildlife, trout streams, recreation, and groundwater; Flooding is a serious threat during construction of the reroute and could be exacerbated by permanent changes to how water naturally moves along the corridor. The region has seen more intense and more frequent floods due to climate change, including two devastating, 500-year floods in the last decade; The public has not been given sufficient opportunity to voice comments and concerns.

WCMP should not rely on the Army Corps process and needs to hold a separate public hearing specifically about Line 5's impacts to Wisconsin's coastal resources.

# Federal Consistency Public Comment Form

8/11/2024 3:59:06 AM

## Introduction

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The Wisconsin Coastal Management Program (WCMP) is conducts federal consistency reviews to verify the activities considered under a permit will comply with state coastal policies. Open comment periods will last for at least 21 days. More information on projects with an open comment period may be found at <https://coastal.wisconsin.gov>.

Refer to the [WCMP federal consistency webpage](#).

Refer to the [state's specific coastal policies](#).

## Federal Consistency Public Comment Form

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**Select a project for comment::** Line 5

The Wisconsin Coastal Management Program (WCMP), State of Wisconsin, Department of Administration, has received correspondence from the United States Army Corps of Engineers, St. Paul District Division (Corps) and Enbridge Energy, Limited Partnership, on activities associated with the construction of the proposed Line 5 Wisconsin segment relocation project. The proposed activities are subject to review for consistency under the policies of the Wisconsin Coastal Management Program (WCMP).

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The Corps conducted a public hearing on June 4 in Ashland, Wisconsin. View [more information on the public hearing](#).

WCMP will not host a separate public hearing.

**Your Name or Organization:**

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**Comments::** Enbridge does not have the required permits and has not provided enough information on the project's impacts to determine consistency with the state's coastal policies; Because Enbridge has a poor safety record and a history of oil disasters, spills are foreseeable and threaten Wisconsin's coastal areas, wildlife, trout streams, recreation, and groundwater; Flooding is a serious threat during construction of the reroute and could be exacerbated by permanent changes to how water naturally moves along the corridor. The region has seen more intense and more frequent floods due to climate change, including two devastating, 500-year floods in the last decade; The public has not been given sufficient opportunity to voice comments and concerns.

WCMP should not rely on the Army Corps process and needs to hold a separate public hearing specifically about Line 5's impacts to Wisconsin's coastal resources.

**From:** [Caitlyn Brandt](#)  
**To:** [DOA Secretarys Office](#); [Friis, Michael J - DOA](#); [Angel, Kathleen - DOA](#)  
**Cc:** [BadRiverNSN, NRDiretor - DNR](#); [Stefanie Tsosie](#); [Robert Lundberg](#)  
**Subject:** Wisconsin Coastal Management Program - Line 5 Consistency Review Comments  
**Date:** Friday, August 2, 2024 3:00:34 PM  
**Attachments:** [image001.gif](#)  
[2024.08.02 Bad River Band CZMA Comment letter.pdf](#)

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Secretary Kathy Blumenfeld,

These comments and request for government-to-government consultation are submitted on behalf of the Bad River Band of Lake Superior Chippewa. The attached letter was submitted via the online comment box on the Wisconsin DOA website as directed. In addition, we are emailing you, along with Director Michael Friis and Program Manager Kathleen Angel, a signed PDF. This emailed PDF should be used as the official version included in the administrative record and to coordinate consultation with the Band.

Thank you,

Caitlyn Brandt (she/her)  
Senior Litigation Assistant  
Tribal Partnerships & National Climate Issues  
633 17<sup>th</sup> Street, Suite 1600  
Denver, CO 80202  
T: 720.402.3771  
F: 720.550.5757 or [7205505757@egoldfax.com](mailto:7205505757@egoldfax.com)  
[earthjustice.org](http://earthjustice.org)



*Because the earth needs a good lawyer*

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# BAD RIVER BAND OF LAKE SUPERIOR TRIBE OF CHIPPEWA INDIANS

CHIEF BLACKBIRD CENTER

P.O. Box 39 • Odenah, Wisconsin 54861

August 2, 2024

Secretary Kathy Blumenfeld  
Wisconsin Department of Administration  
101 E. Wilson Street, 10th floor  
Madison, WI 53703  
DOASecretarysOffice@wisconsin.gov

## **Comments Regarding Consistency Review for the Proposed Line 5 Wisconsin Segment Relocation Project, and Request for Government-to-Government Consultation and a Public Hearing**

Dear Secretary Blumenfeld,

The Bad River Band of Lake Superior Chippewa ("Bad River" or "Band") respectfully submits the following comments to the Wisconsin Department of Administration's ("DOA") Coastal Management Program ("CMP") regarding your agency's review of Enbridge Energy's proposed Line 5 Segment Relocation Project. The Band is concerned that the Line 5 relocation project is inconsistent with the CMP's enforceable policies. The Band requests the DOA engage in government-to-government consultation with us, as well as hold its own public hearing. The Band appreciates your engagement and careful review of this significant proposal, especially given that if built it would pass directly around and upstream of our Reservation and within our ceded territory.

The Bad River Band is a federally recognized tribe in Northern Wisconsin, located wholly within the Lake Superior Basin and majority within the sub-basin of the Bad River—Mashkiiziibii—for which our Tribal Nation is named. The Bad River Reservation is also directly adjacent to Lake Superior. The Anishinaabe, of which our Tribe of Ojibwe are a part, have lived in this area for several hundred years, moving from the east as described in our migration story to find the place where food grows on water. The Bad River Band and its people maintain a reciprocal relationship with the natural environment. Anishinaabe people see the waters, trees, animals, plants, birds, and even the air as an extension of a large community. This community is at the center of Anishinaabe culture and life. The Band has a solemn responsibility to preserve our homeland, our environment, our culture, our treaty-protected resources, and our distinct lifeways for the coming seven generations. It is for this reason the Band objects to Enbridge's proposed reroute of the Line 5 pipeline within our shared watershed and within our ceded territory.

## **I. The Band Requests Government-to-Government Consultation**

The scale and location of the Line 5 reroute proposal implicates the Band's unique sovereign and treaty-protected interests. Government-to-government consultation with your agency is essential to discuss these implications. In this consultation, we wish to discuss how your agency implements consistency reviews under the Coastal Zone Management Act ("CZMA"), how the Line 5 proposal specifically is being reviewed, and what information your agency is considering in this review. It is our hope this discussion will allow the Band to assist the DOA in identifying additional necessary information for your review, including any information the Band already possesses.

## **II. Opportunities for Public Participation in the Consistency Certification are Inadequate**

The Band requests the DOA publish necessary information in a new public notice and hold its own public hearing to review the consistency certification. Public participation is mandatory during the consistency certification review. 15 C.F.R. § 930.2. Adequate public participation requires that the DOA provide a public notice that "(1) [s]pecif[ies] that the proposed activity is subject to review for consistency under the policies of the management program; (2) [p]rovide[s] sufficient information to serve as basis for comment; (3) [s]pecif[ies] a source for additional information; and (4) [s]pecif[ies] a contact for submitting comments to the management program." *Id.* § 930.61(b). While "[t]he State agency may rely upon the public notice provided by the Federal agency," the notice must still "satisfi[y] the minimum requirements" for the public notice. *Id.* § 930.61(c). To satisfy its legal requirements, the DOA should republish a public notice with the necessary information and hold its own public hearing.

### **a. Public Notice Request**

The DOA's public notice lacked basic information necessary for both the Band and members of the public to comment on the proposed project's consistency certification. The public notice did not include Enbridge's consistency certification statement nor "necessary data and information" your agency is considering in its review. 15 C.F.R. § 930.57. Without these key pieces of information, the Band and the public lack the ability to adequately assess and comment on the project's alignment with CMP policies. To fulfill the duty for public participation, the DOA should republish its public notice with the required information pursuant to 15 C.F.R. § 930.57 so commentators may properly assess the proposal's consistency with enforceable policies.

### **b. Public Hearing Request**

The Corps' public hearing cannot be used to fulfill the hearing requirement under 15 C.F.R. § 930.57 because it only focused on the Corps' review under Section 404 of the Clean Water Act and Section 10 of the Rivers and Harbors Act. The Corps' public hearing did not address the consistency certification. This insufficiency meant commentators, including Band representatives, lacked adequate information to provide comments regarding the CMP review.

Further, the Corps' June 4th public hearing seriously curtailed public participation. Commentors were selected randomly through a lottery system to determine participation, and each commentor had a limited amount of time to speak. The Corps did not offer a remote participation option. These factors limited comments to those who could travel to Ashland, potentially from several hours away, and had the fortune of being selected to speak. These measures made the hearing inadequate to "obtain sufficient comment." 15 C.F.R. § 930.61(a). To fulfill the duty for public participation, the DOA should hold its own public hearing that allows speakers adequate time to comment and offers a virtual option so that individuals who cannot attend the hearing in person can still have their voices heard.

### **III. The Line 5 Pipeline Relocation Proposal is Inconsistent with Wisconsin's Enforceable Policies**

The Band is concerned that Enbridge's proposal is inconsistent with Wisconsin's enforceable CMP policies. Our preliminary concerns include the proposed pipeline's impact on water quality, natural areas, and historic preservation. The Band reserves the right to raise additional concerns and anticipates doing so as the DOA shares additional information necessary for our review and comment. Pursuant to the CZMA, federal permits cannot be granted unless the pipeline complies with Wisconsin's enforceable policies. 16 U.S.C. § 1456(c)(3)(A).

#### **a. The Band is Concerned About the Proposal's Impacts on Water Quality**

The proposed Line 5 relocation project presents serious concerns for coastal water quality. Wisconsin's enforceable policies prohibit "[d]ischarge[] of effluent . . . into any waters of the state. . . if they exceed federal and state water quality standards." Wis. Stats. §§ 283.11-31. Enbridge has not yet demonstrated that the proposed project will comply with Wisconsin's water quality standards. The project must also comply with the Band's EPA-approved water quality standards, which the Band plans to assess under 33 U.S.C. § 1341(a)(2). The DOA must ensure the reroute project would not exceed those standards. The project's proximity to the Great Lakes increases the importance of adhering to water quality standards. Protecting the Great Lakes is "of paramount national and regional concern" because the lakes "contain approximately 20% of the world's fresh water." *Wisconsin Coastal Management Program*, Wisconsin Coastal Management Program, Published October 2007. This means that the relocation project cannot exceed the Band's standards, and that the water quality should be as high as possible. *Id.* § 281.11. The DOA must share the information it is reviewing to determine whether these waters will remain of the highest possible quality.

The proposed relocation also raises serious concerns about construction impacts to groundwater quality and quantity, particularly due to planned blasting and horizontal directional drilling ("HDD"). Enbridge's prior use of HDD during Line 3 construction released pollutants through "frac-outs" and ruptured groundwater aquifers.<sup>1</sup> Groundwater is the primary source of

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<sup>1</sup> See Army Corps' *Enbridge Line 5 Wisconsin Segment Relocation Project Draft Environmental Assessment, Clean Water Act Section 404(b)(1) Guidelines Evaluation, and Public Interest Review* ("Draft Combined Decision Document" or "DCDD"), p. 30 ("Many comments expressed concern regarding potential inadvertent releases."); *id.* at 71 (noting Line 3's "inadvertent releases"); Bring Me the News MN, *MPCA: 28 drilling fluid releases during*

drinking water for the Band and surrounding communities. The DOA must review the proposal's impact on surface waters and groundwater and make the information and findings available for public comment.

Finally, a petroleum spill from Line 5 – of oil or natural gas liquids – presents a grave risk to water quality. A 2018 report prepared for the International Joint Commission provides helpful context for how to assess potential impacts from petroleum releases in the Great Lakes.<sup>2</sup>

The Band will be submitting comments on the Corps' Draft Combined Decision Document for the Enbridge Line 5 Wisconsin Segment Relocation Project. The Band anticipates including additional information about the project's impact on water quality and quantity in that comment letter.

#### **b. The Band is Concerned About the Project's Impact on Natural Areas**

The proposed relocation may harm designated natural areas, including state forests and wetlands. "The Wisconsin Department of Natural Resources shall not permit any use of a designated state natural area which is inconsistent with or injurious to its natural values." Wis. Stats. § 23.26-.28. State forests "shall be managed. . . to benefit the present and future generations of residents of this state, recognizing that the state forests contribute to local and statewide economies and to a healthy natural environment." *Id.* § 28.04(2)(a). Wetland communities "shall [be] preserve[d], protect[ed], restore[d] and manage[d] . . . to be sustainable, diverse, and interspersed with healthy aquatic and terrestrial communities . . . with the goal of maintaining, protecting and improving water quality." *Id.* §§ 281.12(1), 281.11.

Several natural areas, state parks, and wetlands may be impacted by the pipeline. For instance, "[t]he proposed route corridor would be located over one-half mile south of the Copper Falls State Natural Area (SNA) . . . The White River Boreal Forest SNA is located approximately 2.8 miles east of the proposed route and the White River Breaks SNA is located approximately 3.0 miles west of the proposed route." DCDD at 64. Additionally, "[a] portion of the proposed WI L5R project is located within on-half [sic] mile of Copper Falls State Park." DCDD at 72. The pipeline may also impact the Apostle Islands National Lakeshore and Kakagon and Bad River Sloughs complex, a Wetland of International Importance and a unique and vast Lake Superior coastal wetland system. "The National Park Service (NPS) requested the Corps consider potential threats to" these resources. DCDD at 28. The pipeline's close vicinity to – and likelihood to impact – parks and natural areas contradicts the enforceable policies aimed at protecting these areas. The DOA must review these issues and make information available for public comment.

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*Line 3 construction, including into wetlands* (Aug. 11, 2021), <https://bringmethenews.com/minnesota-news/mpca-28-drilling-fluid-releases-during-line-3-construction-including-into-wetlands> (last accessed July 29, 2024);

Waadookaawad Amikwag, *Frac-outs*, <https://waadookaawadamikwag.org/frac-outs> (last accessed July 29, 2024).

<sup>2</sup> Great Lakes Science Advisory Board, Science Priority Committee, Energy Transport and Water Quality Work Group, *Potential Ecological Impacts of Crude Oil Transport in the Great Lakes Basin*, submitted to the International Joint Commission (Oct. 2018) available at [https://ijc.org/sites/default/files/2018-11/Potential%20Ecological%20Impacts%20of%20Crude%20Oil%20Transport%20in%20the%20Great%20Lakes%20Basin%20-%20Oct%202018.pdf?\\_ga=2.22561403.1549763350.1544456945-1900007787.1544456945](https://ijc.org/sites/default/files/2018-11/Potential%20Ecological%20Impacts%20of%20Crude%20Oil%20Transport%20in%20the%20Great%20Lakes%20Basin%20-%20Oct%202018.pdf?_ga=2.22561403.1549763350.1544456945-1900007787.1544456945) (last accessed Aug. 2, 2024).

**c. The Band is Concerned About the Project's Impact on Historic Preservation**

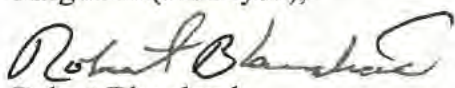
The relocation project may also be inconsistent with Wisconsin's enforceable policy of historic preservation and conservation of heritage. Wis. Stats. §§ 44.30, 44.34. The Corps has not yet fully completed its review under Section 106 of the National Historic Preservation Act. The Band's Tribal Historic Preservation Officer has not concurred nor signed off on concluding consultation under Section 106 due to outstanding information needed to assess potential impacts to cultural resources. The consistency certification cannot be finalized until Section 106 review is completed. Again, DOA must review and share information related to these concerns so the Band and public may comment.

**IV. Conclusion**

Thank you for considering the Band's comments in this review process. Bad River is preparing comments for the Corps on the environmental review required under Section 404 of the Clean Water Act and Section 10 of the Rivers and Harbors Act and may include information there relevant to the DOA's review under the CZMA. We will share a copy of that comment letter once it is finalized. We also wish to ensure continued discussion and collaboration through government-to-government consultation as well as a CMP-specific public hearing. This will help ensure the DOA has all necessary information for the consistency review.

We ask that DOA not make a consistency decision until the issues identified in this letter are addressed, and until government-to-government consultation can occur and both the Band and DOA agree that it has concluded. These steps will ensure DOA, the Band, and the public have the information necessary to properly review and comment on whether Enbridge's proposed project is consistent with Wisconsin's CMP policies. For any questions, please reach out to me directly or have your staff reach out to Naomi Tillison, our Natural Resources Director at [nrdirector@badriver-nsn.gov](mailto:nrdirector@badriver-nsn.gov).

Miigwech (thank you),



Robert Blanchard  
Bad River Tribal Chairman

cc: Mike Friis, Director of Resource Policy Bureau, Wisconsin DOA,  
[michael.friis@wisconsin.gov](mailto:michael.friis@wisconsin.gov)  
Kathleen Angel, Program Manager, [kathleen.angel@wisconsin.gov](mailto:kathleen.angel@wisconsin.gov)  
Naomi Tillison, Director of Mashkiiiziibii Natural Resources Department

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**From:** Noah Saperstein <Noah.Saperstein@redcliff-nsn.gov>

**Sent:** Sunday, August 4, 2024 12:48 PM

**To:** Friis, Michael J - DOA <Michael.Friis@wisconsin.gov>

**Cc:** Tribal Secretary-Butch Bresette <Secretary@redcliff-nsn.gov>; Jennings, Dylan - DNR <dylan.jennings@redcliff-nsn.gov>; Nguyen, Linda - DNR <linda.nguyen@redcliff-nsn.gov>; Defoe, Marvin - DNR <marvin.defoe@redcliff-nsn.gov>; Vick, Dawn - DOA <dawn.vick@wisconsin.gov>

**Subject:** Red Cliff Band's comments on the Wisconsin DOA WCMP coastal concurrency review for Enbridge's proposed Line 5 Wisconsin Relocation

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The Red Cliff Band of Lake Superior Chippewa submits the following comments, which can be found in the attached documents in regards to the Wisconsin Coastal Management Program's (WCMP) coastal concurrency review of Enbridge's proposed Line 5 Wisconsin Relocation project. The Band urges the WCMP to suspend their coastal concurrency review of the proposed project until a meaningful federal environmental review has been completed. Red Cliff staff's preliminary review of the Army Corps draft Combined Decision Document (DCDD) determined that the majority of the attached comments that were previously submitted to state and federal regulatory agencies are still applicable. As such, we are submitting them to the WCMP as part of the public record and intend to submit additional comments when we have completed our review of the DCDD. Please don't hesitate to reach out to myself or Linda Nguyen should there be any follow up items. Miigwech!

Miigwech,

Noah Saperstein

Environmental Justice Specialist  
Red Cliff Environmental Department  
Treaty Natural Resources Division

Gaa-Miskwaabikaang, Red Cliff Band of Lake Superior Chippewa  
88455 Pike Road  
Bayfield, WI 54814  
Office: 715-779-3650 Ext. 4315



## *Red Cliff Band of Lake Superior Chippewa Indians*

88455 Pike Road

Bayfield, WI 54814

Phone: 715-779-3700 Fax: 715-779-3704

Email: [redcliff@redcliff-nsn.gov](mailto:redcliff@redcliff-nsn.gov)

## *Red Cliff Tribal Council*

March 22<sup>nd</sup>, 2022

*VIA ELECTRONIC MAIL*

[chad.konickson@usace.army.mil](mailto:chad.konickson@usace.army.mil)

Chad Konickson, Regulatory Branch Chief  
St. Paul District Regulatory Branch, U.S. Army Corps of Engineers  
180 5th St # 700  
Saint Paul, MN 55101

**RE:** Red Cliff Band of Lake Superior Chippewa Comments on U.S. Army Corps Public Notice for Enbridge's Proposed Line 5 Reroute File No. 2020-00260-WMS

Boozhoo Mr. Konickson,

The Red Cliff Band of Lake Superior Chippewa Indians (hereinafter Gaa-Miskwaabikaang) respectfully submits the following comments on the St. Paul District-Army Corps of Engineers' (hereinafter Army Corps) Section 10 and Section 404 permit applications (hereinafter permit applications) for Enbridge's proposed Line 5 project, File No. 2020-00260-WMS (hereinafter L5 Project). Gaa-Miskwaabikaang is a federally recognized tribal nation that retained the inherent right to hunt, fish, and gather "with the other usual privileges of occupancy" within ceded territories (hereinafter Treaty Rights) under the 1842 Treaty of LaPointe with the United States government.<sup>1</sup> Our authority, as a sovereign nation, includes exercising stewardship responsibilities of our **inawemaaganag** (relatives), who are often called "natural resources", across the ceded territories upon which meaningful exercise of treaty rights is based. These authorities provide us opportunities and the responsibility to submit comments to support, protect, and preserve treaty relatives for the next seven generations within ceded territories and the sacred waters of **Anishinaabeg Gitchigami** (Lake Superior). Gaa-Miskwaabikaang submits the following comments on the Army Corps' L5 Project Public Notice:

### **Environmental Assessment Scoping for Section 404 and Section 10 Permits**

The scoping process for an Environmental Assessment (hereinafter EA) should assess environmental impacts for all jurisdictional wetlands and waterways and not just those considered to be regulated activities, such as the intentional dredge and/or fill of jurisdictional waterways. Based on reasons outlined in this letter, we support Bad River's assertion that the Army Corp must withdraw, correct, and reissue the Public Notice. The impacts assessed should include the direct/indirect effects from construction activities, direct/indirect effects from pipeline operation, and the cumulative impacts of Enbridge's Mainline System including upstream and downstream greenhouse gas emissions. This will require the most up-to-date information. Currently, several of the permit application documents on the Army Corps' website are outdated. For instance, Enbridge's Environmental Impact Report is dated March 2020, but the Wisconsin Department of Natural Resources (hereinafter WDNR) has a version that is dated August 2020. The Army Corps' *Permit Application Appendix K Wetland Waterbody Crossing Table* does not list all wetland and waterway crossings as jurisdictional, despite the Army Corps' recent decision to do so. It is an outdated

<sup>1</sup> 1842 Treaty of LaPointe, October 4, 1842

jurisdictional determination that narrows the Army Corps' jurisdiction. The Public Notice states that this determination is based on a request from the applicant. Gaa-Miskwaabikaang supports Bad River's call to withdraw the June 2020 jurisdictional determination. Additionally, the Public Notice initially listed 57 crossings rather than the approximately 186 water crossings for the L5 Project. Unanticipated impacts could occur during blasting, Horizontal Directional Drilling, or other construction-related activities that may impact hydrology and lead to the functional loss of wetlands. A severe storm could occur during construction causing flooding and increased sediment loading due to a combination of the storm and construction areas. This EA must consider impacts in all jurisdictional areas and not just those currently considered regulated activities for a more comprehensive and accurate document.

We have determined that there are large data gaps based on the application documents provided by the Army Corps as well as the WDNR. For example, the lack of site-specific aquifer data is extremely concerning. Meaningful L5 Project environmental review cannot occur without this data. For example, Enbridge ruptured an aquifer at the start of Line 3 Expansion Project (hereinafter L3E) construction in Minnesota. This incident led to an estimated 100,000 gallons of water being released each day for nearly one year.<sup>2</sup> Additional site-specific data for the L5 Project for analyses would reduce the likelihood of something similar happening on this project. The permit application also lacks site-specific plans for Horizontal Directional Drilling (hereinafter HDD) crossings and blasting sites. Failure to require the necessary data to ensure that treaty-protected relatives and tribal cultural resources would be protected during L5 Project construction is unacceptable.

The EA must assess the impacts of all associated activities for construction in or associated with jurisdictional areas as they are connected actions under 40 CFR § 1508 (hereinafter connected action). For example, the entire HDD crossing that starts, ends, and/or crosses a jurisdictional area should be assessed for impacts from the construction and any potential inadvertent releases of drilling mud. Inadvertent releases have a high likelihood of occurring during HDD and must be thoroughly assessed in an EA as an indirect effect under 40 CFR § 1508 (hereinafter indirect effect). Enbridge acknowledged that an "inadvertent release of drilling fluid during HDD crossings is a generally known and common risk associated with the HDD crossing method".<sup>3</sup> Furthermore, any inadvertent release risk analysis must be site-specific. When assessing the risk of an inadvertent release, the Army Corps must make sure the data being reviewed is for that specific proposed HDD crossing alone and not an average of data collected for every proposed HDD crossing. Enbridge's 401 Water Quality Certificate application for their L3E in Minnesota stated there was a low probability of inadvertent releases based on averaging data and risk assessments. Despite this low probability, the Minnesota Pollution Control Agency is investigating at least 28 inadvertent releases from the project construction. During L3E construction, 12 out of the 19 HDD crossings had inadvertent releases. Several of these crossings experienced multiple inadvertent releases. Inadvertent releases pose a threat to the beings that rely on water and in turn Treaty Rights. Regulatory agencies and Tribes must know the drilling mud composition to be able to assess potential impacts to the environment and tribal cultural resources. Scientists tested water samples at an L3E inadvertent release site and detected sulfate levels at 401mg/kg. A different water sampling site downstream of multiple inadvertent releases near the headwaters of the Mississippi River detected relatively high levels of barium.<sup>4</sup> The EA should consider impacts from inadvertent releases at all proposed HDD crossings and how this will impact Treaty Rights. The drilling mud can surface through any available fissure and does not necessarily surface above the HDD path. As such, the EA should consider impacts from inadvertent releases surfacing up to a half-mile from the Right of Way or a work area. Additionally, baseline water data including chemicals used in drilling mud should be sampled at and downstream of these areas. This will be extremely useful in assessing the impacts of any inadvertent releases should the L5 Project be permitted. The entire crossing should be considered a regulated activity and the connected wetlands and/or waters should be assessed for a potential inadvertent release.

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<sup>2</sup> "Enbridge Line 3 Pipeline Replacement Project." *Minnesota Department of Natural Resources*, <https://www.dnr.state.mn.us/line3/index.html>.

<sup>3</sup> Hahn, Bobby. "Response to January 7, 2022 Correspondence." Received by Senator John Marty, 14 Jan. 2022.

<sup>4</sup> Science for the People-Twin Cities. "Line 3 Water & Drilling Fluid Chemistry - Results & Analysis." *Google Docs*, Google, <https://docs.google.com/document/d/1FhRH3BLBDefAN3c7rJ4fkQxPuzhHfdxBrWTZNEUOoCw/edit>.

Failure to assess impacts associated with the decommissioning of the pipeline as a connected action fails to meet the requirements of an Environmental Assessment under 40 CFR Chapter V. This should include the approximately 8 miles of an existing pipeline that would be decommissioned (either abandoned or removed) outside of Bad River as well as the future decommissioning of the L5 Project (either abandoned or removed). Enbridge recently informed the Federal Energy Regulatory Commission that Enbridge's Mainline System has approximately 18 more years of financial viability except for L3E, which was given an additional ten-year life span. This indicates that the decommissioning of Line 5 could occur in 18 years and must be considered in the EA. The decommissioning of both the existing section of Line 5 and the L5 Project constitute connected actions and the impacts must be included in the EA.

Environmental reviews for this project must also assess potential impacts from the Covid-19 pandemic as an indirect effect as well as its cumulative impact under 40 CFR § 1508 (hereinafter cumulative impact). The potential increase in transmission has an indirect effect by adding strain on local health departments and medical infrastructure. Memorial Medical Center, in Ashland, has repeatedly urged community members to stay home, wear masks, and get vaccinated because the facility has reached capacity. Enbridge is estimating that the L5 Project will require 700 construction workers claiming that nearly half of these jobs will go to local workers. Over 350 workers, though potentially many more, would be coming into our communities. Based on L3E construction, we can assume that L5 Project workers will periodically visit their families, which allows for increased Covid-19 exposure. Nearly 800 L3E workers out of the project's approximately 4,000 workers tested positive for Covid-19 between December 2020 and June 2021, despite Enbridge's Covid-19 protocols.<sup>5</sup> This was before some of the more contagious Covid-19 variants. Covid-19 related impacts must be included in the EA.

### **Treaty Rights, Cultural Resources, and Sacred Sites and Landscapes**

The EA must meaningfully assess how the L5 Project construction would impact our Treaty Rights and cultural resources. Gaa-Miskwaabikaang has made it clear that a primary concern with the operation of Line 5 within the ceded territory is the threat of an oil spill and the potential devastation of Lake Superior and her fisheries. Under 40 CFR Chapter V, environmental reviews for the L5 Project must thoroughly assess potential impacts to the wellness of water during construction (as an indirect effect) and pipeline operations (as cumulative impacts). We are also deeply concerned for the wellbeing of manoomin and all other beings and spirits that rely on the water. There must be meaningful analysis of how an oil spill, with waterway specific modeling, would impact our Treaty Rights and cultural resources. This modeling should be accompanied by immediate and long-term impact assessments of regional spawning grounds and fish populations. This impact assessment should include fish communities that rely on inland waterways, the Chequamegon Bay, and/or the Apostle Islands. This impact assessment should also consider long-term impacts on food webs and future releases of oil that was trapped in wetlands or sediment during future severe storm events. At this time, such an analysis cannot assume that meaningful spill response will occur. In 2019, a Federal Court directed the Pipeline and Hazardous Materials Safety Administration (hereinafter PHMSA) to review Enbridge's Superior Region and Great Lakes Region spill response plans (Line 5 is within these zones), to consult with the appropriate environmental agencies, and conduct an environmental review under the National Environmental Protection Act (hereinafter NEPA) due to response plan inadequacies.<sup>6</sup> As of November 2021, PHMSA is still reviewing Enbridge's spill response plan. The EA should consider that the lack of a federally approved spill indicates that an oil spill may not be properly responded to causing more extensive environmental impacts.

We urge the WDNR to include the loss of public lands accessible for the use of Treaty Rights in the EA as a cumulative impact. Relatively few community members still know how to make traditional lacrosse sticks and ash baskets largely due to the long legacy of colonialism and forced assimilation. This legacy continues today with projects like the L5 Project that threaten our traditional ways and the wellbeing of our communities as well as laws such as the Felony Trespass Law that criminalize our way of being. Under Wis. Stat. § 943.143 *Criminal Trespass to an Energy Provider Property* (hereinafter Felony Trespass Law), it is a felony to enter land that is owned or used

<sup>5</sup> Beaumont, Hilary. "Nearly 800 Line 3 Pipeline Workers Tested Positive for Covid-19." *Coronavirus Pandemic News* | Al Jazeera, Al Jazeera, 29 June 2021, <https://www.aljazeera.com/news/2021/6/29/nearly-800-line-3-pipeline-workers-tested-positive-for-covid-19>.

<sup>6</sup> United States District Court, Eastern District of Michigan, Southern Division. *National Wildlife Federation vs. Secretary of the Department of Transportation, Et Al.* 29 Mar. 2019.

by an energy provider including oil pipelines. We urge the Army Corps to consider the L5 Project's indirect effect of the temporary and long-term removal of public lands with regard to how it impacts tribal members' abilities to exercise Treaty Rights and traverse public lands. The EA should also include cumulative impact analysis of all public lands that are impacted by the Felony Trespass Law in 1837 and 1842 ceded territory including how this affects tribal members' access to Treaty Rights. The Great Lake Indian Fish and Wildlife Commission has already provided data to the Army Corps highlighting how the L5 Project would impede access to public lands. Some of the lands that the L5 Project would impede access to are black ash swamps in the Iron County Forest. Ash trees are culturally significant relatives that help us to make cradleboards, snowshoes, traditional lacrosse sticks, and baskets. The prevalence of white ash and black ash trees in this area is expected to diminish due to Emerald Ash Borer and the changing climate. These barriers to access ash trees would be compounded by the proposed L5 Project construction, the existence of the Right of Way, and the unfathomable potential of an oil spill. The ability to maintain and pass on traditional knowledge and teachings associated with these relatives is directly connected to their existence and wellbeing as well as our ability to harvest in these areas. The EA should include an analysis of how the proposed project will impact both tribal member access to these black ash swamps as well as how the proposed project will impact the well-being of the black ash swamps.

The permit applications provided by Enbridge lack sufficient data and are absent of integral aspects of the L5 Project. For example, the permit applications make no mention of existing transmission pipelines in the area. The L5 Project route is proposed to cross both the TC Energy's Great Lakes Transmission pipeline and the Northern Natural Gas's transmission line. The permit applications do not mention these existing pipelines or how the L5 Project would cross them. This is but the most obvious example of the lack of detail inherent in the Enbridge submittal.

An EA must be developed concurrently to a National Historic Preservation Act Section 106 Tribal cultural resources survey (hereinafter TRCS).<sup>7</sup> A TRCS is necessary to fully assess how tribal cultural resources would be impacted by the L5 Project. NEPA requires the assessment of how cultural resources will be impacted. All potentially impacted tribes should be able to be involved in the TRCS. Additionally, Enbridge should not be allowed to conduct any work or ground disturbing surveys in jurisdictional areas until the completion of the TRCS. Enbridge documents show they have already drilled at least one site that was identified by their contractor as a potential Traditional Cultural Property without the presence of a tribal monitor. The Army Corps is already aware of this concern from a National Historic Preservation Act Section 106 meetings (hereinafter Section 106 meetings). The Army Corps should consider that additional time may be necessary to effectively accomplish an appropriate TRCS and that any tribal cultural survey must be conducted by a Tribe or their delegated representative. As stated during the Section 106 meetings, Enbridge staff/contractors are not able to conduct a *tribal* cultural survey.

### **Missing and Murdered Indigenous Women, Girls, Two Spirits, and Relatives epidemic**

Gaa-Miskwaabikaang urges the WDNR to meaningfully consider and assess Missing and Murdered Indigenous Women, Girls, Two Spirits, and Relatives epidemic (hereinafter MMIWR as an indirect effect and as a cumulative impact. This is an indirect effect of the L5 Project, which will likely contribute to MMIWR. The Army Corps should assess current social resources that relate to MMIWR, such as tribal social programs and support, non-tribal shelters, law enforcement capacity to search for and/or rescue MMIWR, medical facility capacity to support survivors, etc. The Army Corps should also assess if/how much surplus capacity these entities and programs have for an increased workload. This will assist the Army Corps' indirect effects analysis. The recent L3E project highlights why this must include MMIWR impacts. During L3E construction, there were at least two sex sting operations that led to the arrest of Enbridge workers.<sup>8</sup> A few months into L3E construction in Minnesota, the Violence Intervention Project, a northern Minnesota domestic and sexual violence support organization, reported experiencing an "increase in calls and needs for services". Reports included "local women and girls [were] verbally harassed by Line 3 workers" and that the organization struggled to find housing for clients when the shelters were full. This struggle to find housing

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<sup>7</sup> "Integrating NEPA and Section 106." *Advisory Council on Historic Preservation*, Advisory Council on Historic Preservation, [https://www.achp.gov/integrating\\_nepa\\_106](https://www.achp.gov/integrating_nepa_106).

<sup>8</sup> Zoledziowski, Anya. "At Least 4 Oil Pipeline Workers Linked to Sex Trafficking in Minnesota." *VICE*, 28 July 2021, <https://www.vice.com/en/article/g5gkpw/four-enbridge-pipeline-workers-linked-to-sex-trafficking-minnesota>.

was because nearby hotels were full.<sup>9</sup> Pipeline workers will likely fill up the limited available housing around the L5 Project area causing a similar lack of available safe housing if the L5 Project is built. Mashkiiziibii Natural Resources Department has voiced concerns of how the proposed L5 Project will contribute to MMIWR. The influx of pipeline workers near Mashkiiziibii and the “inescapable connection between these man camps, which bring in large numbers of young, typically non-Indian men into rural areas, and increased rates of domestic violence, sexual assault, rape, and sex trafficking in the areas of these arrangements. These impacts fall disproportionately on native women and girls”.<sup>10</sup> This is a clear and present danger to the wellbeing of our Mashkiiziibii inawemaaganag. The EA must also assess the cumulative impacts of MMIWR. This should include the local impact such violence has on a community including the long-term impact of the passing down of cultural teachings and the domino effect this violence has on family members, friends, and future generations of those connected to the violence. The cumulative impact analysis must also include the broader geographic epidemic at the points of extraction in the Bakken fields and the Alberta Tar Sands as well as Enbridge’s network of pipelines that support the Mainline System. This includes the man camps, increased sexual violence, and drugs brought into indigenous communities during an existing opioid epidemic.

### **Wetland Compensatory Mitigation Plan**

Wetlands are home to amphibians, birds, medicines, and foods. Wetlands are thought of as Anishinaabe **gitigaanan** (gardens) and medicine cabinets. In Anishinaabemowin (the Anishinaabe language), **Mashkiig** (bog), **Waabashkiki** (swamp), and **Mashkiki** (medicine) are all connected. This is because of the connectedness between wetland ecosystems and the traditional activities of Anishinaabe in these spaces. Wetlands are places where medicines grow and are harvested. To this day, wetlands are a place where our community goes to exercise our treaty rights. Should the proposed L5 Project be permitted, the Wetland Compensatory Mitigation Plan should be drastically revised.

Enbridge’s proposed *Compensatory Wetland Mitigation Strategy (hereinafter Mitigation Strategy)* is grossly inadequate. For example, the Mitigation Strategy proposes ratios that are much lower than those recommended in the Army Corps’ 2013 *Guidelines for Wetland Compensatory Mitigation in Wisconsin*. Should the project be permitted, any wetland compensation should occur within the same watershed and with the same wetland types to reduce the environmental impact of the wetlands harmed. The Wetland Plan fails to consider how the proposed L5 Project will disrupt wetland connectivity and have broader environmental impacts outside of the specific acreage where construction occurs. Additionally, the areas being considered temporarily impacted will be cleared of vegetation and will likely experience months of construction activities. Depending on current vegetation and forest growth, it will potentially take several decades for these areas to return to a condition that resembles pre-construction conditions. The impacted wetlands will never truly be the same though. The assumption that “temporary” impacts can be compensated with, at most, a .5:1 ratio in a different watershed and of a different wetland type is incorrect and reflects a misunderstanding of how long it takes for wetlands to develop as well as the environmental and cultural importance of wetlands. Wetlands are a crucial part of the environment and are central to our Treaty Rights and tribal cultural resources. Potentially impacted tribes and intertribal agencies must be a part of the decision-making process to determine appropriate Wetland Plans should the L5 Project is permitted.

### **Threatened and Endangered Relatives and their Habitat**

The Army Corps should reassess how the L5 Project will impact federally listed threatened or endangered wildlife and plants (hereinafter vulnerable relatives), and their critical habitat to adequately determine how these vulnerable relatives and their critical habitat would be impacted. Gaa-Miskwaabikaang supports Bad River that the Army Corps should 1) withdraw their Public Notice due to the court-ordered relisting of gray wolves, and 2) make Endangered Species Act consultation documents available to Tribes and the public. Additional surveys are needed before the Army Corps or U.S. Fish and Wildlife Services can come to a determination that the L5 Project will not adversely affect any vulnerable relatives or their critical habitats. Enbridge’s surveys are inadequate to determine the extent to which vulnerable relatives and their critical habitats will be impacted. The surveys provided should not allow for a determination that the L5 Project will not adversely affect any vulnerable relatives or their critical habitats. Many of

<sup>9</sup> HealingMN. “Document Provides New Evidence of Line 3 Workers Assaulting Women and Girls.”

*Healingmnstories.wordpress.com*, 11 Mar. 2021, <https://healingmnstories.wordpress.com/2021/03/06/document-provides-new-evidence-of-line-3-workers-assaulting-women-and-girls/>.

<sup>10</sup> Mashkiiziibii Natural Resources Department to Benjamin Callan, Wisconsin DNR Program Manager. 11 July 2020

their observations were incidental observations while conducting wetland surveys. The safety and wellbeing of these relatives are important and warrant having specific surveys rather than making decisions based on incidental observations. As an example, Great Lakes Indian Fish and Wildlife Commission staff identified ten occurrences of Braun's holly fern (hereinafter BHF) during a survey along one mile of the proposed route.<sup>11</sup> *Appendix M—Protected Species Survey Reports and Consultation* identified only one occurrence of BHF and the WDNR draft Environmental Impact Statement references two occurrences of BHF. Enbridge's wetland delineation reports reference at least three different BHF occurrences. This indicates that the studies conducted by Enbridge are grossly inadequate. The Army Corps should require additional surveys for specific vulnerable relatives and their critical habitats, and then consult with the U.S. Fish and Wildlife Service under Section 7 of the Endangered Species Act.

The United States government has a trust responsibility to protect tribal Treaty Rights and tribal interests that extend to the Army Corps. All reviews should be done with a focus on Treaty Rights, concern for culturally significant relatives, and consideration of a potential oil spill to ensure that the Army Corps does not violate tribal Treaty Rights and the tribal trust responsibility. One example of the Army Corps' failure to adequately consider tribal Treaty Rights is their determination that the L5 Project will have "no effect" on piping plovers and rufa red knots. This determination fails to consider how an oil spill could impact these relatives. The Army Corps should not continue to disregard tribal Treaty Rights as it did with the plover and red knot. Another example is, the Army Corps' failure to meaningfully consider how the L5 Project will impact wolves, as a sacred relative and our brother. Additionally, surveys need to be conducted, preferably by the Army Corps or US Fish and Wildlife Services, before any construction activity. The Army Corps' February 23<sup>rd</sup>, 2021 determination that L5 Project will not adversely affect vulnerable relatives and their critical habitats is premature and must be reassessed.

### **Public Hearing Requests**

Gaa-Miskwaabikaang is formally requesting Public Hearings on the proposed Line 5 Project with both a virtual and in-person component near Red Cliff and the project area. This would allow those without reliable internet or phone service to participate as well as offer a covid-safe option. Because of the federal trust responsibility and in light of treaty guarantees that could be impacted by the Line 5 project, the Tribe should be afforded a Public Hearing that would give our members a greater ability to participate in the Army Corps' regulatory process. The Public Notice was not widely distributed by the Army Corps. Distribution of the Public Notice was so limited that Red Cliff staff were only notified by Army Corps staff when the second Public Notice was released on January 20<sup>th</sup>, 2022. Many Red Cliff Tribal Members, who do not have reliable internet access, are unable to regularly check the Army Corps website. This impedes Red Cliff Tribal Members' ability to meaningfully participate in the regulatory process that will determine potential impacts to our ceded territory and treaty rights. President Biden's *Executive Order on Tackling the Climate Crisis at Home and Abroad* directs federal agencies to "make achieving environmental justice part of their missions by developing programs, policies, and activities to address the disproportionately high and adverse human health, environmental, climate-related, and other cumulative impacts on disadvantaged communities". Part of the Environmental Protection Agency's definition of Environmental Justice is the belief that all people deserve "equal access to the decision-making process to have a healthy environment in which to live, learn, and work" regardless of who they are.<sup>12</sup> As such, we are requesting a Public Hearing to help ensure our members have equal access to participate in the decision-making process that will impact their health, environment, Treaty Rights, and tribal cultural resources.

Gaa-Miskwaabikaang is also requesting that an open house or similar informational meeting that allows for dialogue and questions be answered (hereinafter Open House) before a Public Hearing. For Red Cliff Tribal Members to have equal access in a decision-making process they must be fully informed of how the process works, the issue or project being considered, and how the issue or project may impact them and their future generations. An Open House is needed to help Red Cliff Tribal Members better understand the various aspects and complex nature of the L5 Project and Army Corps' Public Notice. The Open House must include Army Corps staff who are extremely familiar with Treaty Rights and the Army Corps' Trust Responsibility.

<sup>11</sup> Vaisvilas, Frank. "Tribal Officials Call for Federal Review of Wisconsin Oil Pipeline Project They Say Could Kill Rare Species." *Gazette*, Green Bay Press-Gazette, 25 Jan. 2022, <https://www.greenbaypressgazette.com/story/news/native-american-issues/2022/01/25/tribes-enbridge-wisconsin-oil-pipeline-could-kill-rare-species/9203365002/>.

<sup>12</sup> EPA, Environmental Protection Agency, <https://www.epa.gov/environmentaljustice>.

## Public Interest Review

The Army Corps' Public Notice states that the project will be evaluated based on the "probable impact, including cumulative impacts, of the proposed activity on the public interest". Other factors that are considered are "national protection and utilization of important resources", cumulative impacts, and various economic, environmental, and energy-related needs. This is a very wide array of considerations, some of which conflict with one another, requiring the Army Corps to weigh and prioritize whose public interest is most important. Many of the assertions made by Enbridge and others with a financial interest in the L5 Project are inaccurate. The estimated 700 construction jobs for the L5 Project likely won't last more than a year and will be predominantly filled by out-of-state workers. Our region has a shortage of housing already and these out-of-state workers will be competing with residents in need of housing and tourists looking for hotels and other vacation-related housing. Investing in new fossil fuel energy infrastructure contradicts Wisconsin, the United States, and COP 26's commitments to significantly reduce Greenhouse Gas emissions (hereinafter GHGs). This likely is an attempt by Enbridge and others invested in fossil fuels to continue to profit until the last moments of the fossil fuel era. Enbridge recently notified the Federal Energy Regulatory Commission that the Mainline System has an economic lifespan of about 20 more years.<sup>13</sup> It does not make sense to build new pipeline infrastructure for such short-term use that will need to be decommissioned within two decades. Michigan Department of Environment, Great Lakes and Energy's U.P. Energy Task Force released a report that outlined various alternatives to supply the Upper Peninsula with propane, which disproves Enbridge's claim that Line 5 is a necessary provider of propane to Michigan's Upper Peninsula.<sup>14</sup> Similarly, CEOs of both Imperial Oil Ltd. and Suncor Energy, major Sarnia refineries, indicated they have developed contingency plans should Line 5 be shut down.<sup>15</sup> There is not an honest and meaningful argument to support an economic or energy need for Line 5.

The northern parts of Bayfield, Ashland, and Iron counties, where the L5 Project construction is proposed, are heavily reliant on a tourism economy and local food. These two aspects of our local culture are deeply connected to the environment. Tourists come to see the Apostle Islands, anglers' fish on Lake Superior and the many trout streams, snowmobilers and hunters come to enjoy the woods, and our legacy of commercial fishing employs countless families and provides food to families across the Great Lakes basin. A potential oil spill jeopardizes all of this. It would economically devastate the region for years and would do irreparable harm to the land and water that provides our region with an abundance of food. This concern is exasperated by the L5 Project. A 2015 study, based on PHMSA spill data, found that newer pipelines are more susceptible to oil spills.<sup>16</sup> PHMSA spill data based on Enbridge-related pipelines from 2002-August 2018 spill reports indicate that their pipelines spill on average once every 20 days.<sup>17</sup> There is also sufficient evidence to question Enbridge's financial assurance responsibility for an oil spill. A 2019 study conducted for the State of Michigan and several state departments, found that Enbridge's subsidiaries are structured in a way that shields the parent company from responsibility and financial assurances in the event of an oil spill.<sup>18</sup> Director Eichinger of the Michigan Department of Natural Resources raised this concern

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<sup>13</sup> Lovrien, Jimmy. "'Uncertainty' on Climate, Carbon Regulations Could Shorten Economic Life of Enbridge Pipelines." *Duluth News Tribune*, Duluth News Tribune, 10 Dec. 2021, <https://www.duluthnewstribune.com/business/uncertainty-on-climate-carbon-regulations-could-shorten-economic-life-of-enbridge-pipelines>.

<sup>14</sup> "Attorney General Nessel Comments on UP Energy Task Force Report on Propane, Urges Prompt Planning to Prepare for Shutdown of Enbridge Line 5 ." *AG - Attorney General Nessel Comments on UP Energy Task Force Report on Propane, Urges Prompt Planning to Prepare for Shutdown of Enbridge Line 5*, 7 Apr. 2020, [www.michigan.gov/ag/0,4534,7-359-92297\\_47203-524657--,00.html](http://www.michigan.gov/ag/0,4534,7-359-92297_47203-524657--,00.html).

<sup>15</sup> Press, The Canadian. "Imperial, Suncor Make Contingency Plans despite 'Low Probability' of Line 5 Shutdown." *Global News, Global News*, 11 Feb. 2021, <https://globalnews.ca/news/7633983/imperial-suncor-line-5-shutdown-plans/?fbclid=IwAR18PKTTrDLzYgywgNtOzFL2Pf3LJikuYo6hy5qNJlbYAuA2kqjuXgaQ6X8>.

<sup>16</sup> "Pipeline Safety Trust Spring 2015 Newsletter." 2015.

<sup>17</sup> Donaghy, Timothy. "Dangerous Pipelines: Enbridge's History of Spills Threatens Minnesota Waters." *Greenpeace USA*, Nov. 2018, <https://www.greenpeace.org/usa/reports/dangerous-pipelines/>.

<sup>18</sup> *An Analysis of The Enbridge Financial Assurances Offered to the State of Michigan...* American Risk Management Resources Network, LLC, 29 Oct. 2019.

to Enbridge in 2020. Director Eichinger referenced an Enbridge testimony from the L3E regulatory process that stated, “Enbridge, Inc., as a Canadian parent company, is not contractually obligated to cover the indemnity and other financial assurance commitments of its subsidiaries”.<sup>19</sup> As such, any such analysis of a potential oil spill and the corresponding financial cost to local, state, and federal entities (and in turn, the taxpayers that provide such funding) must assume that the applicant will not have sufficient financial assurance to cover the cost of cleanup. An oil spill and the cost of cleanup is a connected action and should be considered in the Public Interest review.

The proposed construction activities could significantly harm the environment and in turn our regional food access and tourism economy. The proposed construction could alter the cold-water streams and impact fish populations and spawning grounds. The proposed blasting, trenching, and HDD activities could rupture aquifers that feed these waterways. Additionally, the clearing of work areas and damage to wetlands could impact groundwater-surface water connections and cause cold-water streams to warm. All these impacts would go against the public interest of the region. More importantly, all these impacts (as well as those listed elsewhere in this letter) would be harmful to our (and other 1842 Treaty signatory tribes’) Treaty Rights, sacred sites and landscapes, and other tribal cultural resources. Allowing such harm to occur would violate the Army Corps’ federal Trust Responsibility and violate the 1842 Treaty of LaPointe, and in turn violate of Article VI of the U.S. Constitution, which states, “Treaties ... shall be the supreme law of the land”.<sup>20</sup> As such, our Treaty Rights should supersede any conflicting public interests. It is incomprehensible how the Army Corps could justify a “need” for the proposed L5 Project.

### Climate Change Analysis

Enbridge is claiming that the proposed project is necessary to transport the contents of Line 5 because of the lawsuit in federal court with Bad River. Enbridge has indicated to the WDNR that alternative methods of transportation including trains, tanker trucks, barges, and existing pipelines are not possible. This means that Line 5 would be shut down if the L5 Project isn’t permitted and if the federal court rules in favor of Bad River. All environmental reviews should consider the L5 Project new infrastructure and the upstream and downstream climate change impacts should be considered as indirect effects and cumulative impacts. The GHGs analysis should include workers commuting to the area (and associated visits back home), the transportation of equipment, the pipe from mill to worksite, and the emissions associated with the consumption of the fossil fuels flowing through that section of pipe as indirect effects. Cumulative impacts analysis should include all GHGs connected to the mining and processing of tar sands in Alberta, the fracking and processing of oil in the Bakken region, the refining of products along various points along the Mainline System, and the consumption of all fossil fuel products connected to the Mainline System.

All environmental reviews and public interest considerations should assess climate change impacts and GHGs and include analysis of regional and national commitments to reduce GHGs by nearly fifty percent by 2030. On the state level, this includes Governor Evers’ Executive Order 38 committing Wisconsin to significant reduction in fossil fuel consumption as well as the Wisconsin’s *Governor’s Task Force on Climate Change Report* with a focus on the Tier 2 recommendation to “avoid all new fossil fuel infrastructure”.<sup>21 22</sup> Nationally this includes President Biden’s *Executive Order on Tackling the Climate Crisis at Home and Abroad* with special consideration to the intention of Sec. 209.<sup>23</sup> These commitments to combat climate change through reduced reliance and investment in fossil fuels are crucial. The Energy Innovation’s *A 1.5 Celsius Pathway to Climate Leadership for the United States* explains that the nation can reduce Greenhouse Gas emissions by nearly half by 2030 by rapidly transitioning away from

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<sup>19</sup> Eichinger, Daniel. “Re: Follow-Up Communication to July 17 Letter on Financial Assurance.” Received by Vernon Yu, 22 July 2020.

<sup>20</sup> *United States of America Constitution*. 1788.

<sup>21</sup> Executive Order 38: Relating to Clean Energy in Wisconsin. (n.d.). Retrieved from <https://evers.wi.gov/Documents/EO%20038%20Clean%20Energy.pdf>.

<sup>22</sup> *Governor’s Task Force on Climate Change Report*. State of Wisconsin Governor’s Task Force on Climate Change. (n.d.). <http://climatechange.wi.gov/Documents/Final%20Report/GovernorsTaskForceonClimateChangeReport-LowRes.pdf>.

<sup>23</sup> The United States Government. (2021, January 27). *Executive order on tackling the Climate Crisis at home and abroad*. Retrieved from <https://www.whitehouse.gov/briefing-room/presidential-actions/2021/01/27/executive-order-on-tackling-the-climate-crisis-at-home-and-abroad/>.

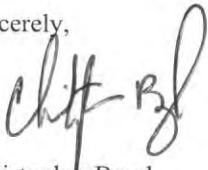
fossil fuels.<sup>24</sup> As such, Gaa-Miskwaabikaang urges the WDNR to assess the upstream and downstream GHGs associated with the L5 Project as cumulative impacts and connected actions.

### NEPA Process

As stated above, the proposed L5 Project has potentially grave implications on Treaty Rights, tribal cultural resources, and sacred sites and landscapes. As such, the NEPA process should be informed by information and surveys that are part of the Section 106 process and the most accurate data. The NEPA process should proceed at the same rate as the Section 106 process to allow for the environmental review process to incorporate the relevant aspects of the National Historic Preservation Act Section 106 Tribal Cultural Resources Survey. Additionally, based on the significant impacts the proposed L5 Project poses to tribes and Treaty Rights through construction, operation, and future decommissioning, the next step after the completion of the Environmental Assessment must be to conduct an Environmental Impact Statement (hereinafter EIS) if the EA does not lead to a finding of no significant impact under 40 CFR § 1508.9. The Wisconsin Environmental Protection Act is based on NEPA and the WDNR has recognized that an EIS is necessary for the L5 Project. Additionally, a decision not to conduct an EIS is negligent when compared to the Detroit District Army Corps' decision to conduct an EIS for Enbridge's proposed Line 5 tunnel in the Straits of Mackinac. Gaa-Miskwaabikaang is formally requesting that the St. Paul District Army Corps publicly release their draft Environmental Assessment, hold a 120-day public comment period, an Open House, a Public Hearing, and then publicly release the final EA. Additionally, Gaa-Miskwaabikaang is formally requesting that the St. Paul District Army Corps conduct an Environmental Impact Study on the L5 Project and include a publicly released draft EIS, hold a 120-day public comment period, an Open House, a Public Hearing, and then publicly release the final EIS. Our comments above highlight a variety of ways that the proposed L5 Project can and will impact our Treaty Rights and tribal cultural resources as well as why an Open House and Public Hearing are needed to ensure our Tribal Members have meaningful access to engage in a decision-making process that will impact their Treaty Rights.

We remain committed to protecting nibi (water), aki (land), and air of our current and ancestral homelands for our people and the generations to come. Preserving the environment means preserving our treaty rights, our traditional lifeways, and our sacred landscapes. Miigwech (thank you) for the opportunity to submit comments. Questions and follow-up can be directed to Linda Nguyen, Red Cliff Environmental Director, at [linda.nguyen@redcliff-nsn.gov](mailto:linda.nguyen@redcliff-nsn.gov) or 715-779-3650.

Sincerely,



Christopher Boyd  
Tribal Chairman  
Red Cliff Band of Lake Superior Chippewa

Cc: Red Cliff Tribal Council  
Marvin Defoe, Red Cliff Tribal Historic Preservation Office  
Chase Meierotto, Red Cliff Treaty Natural Resources Division  
Linda Nguyen, Red Cliff Environmental Department  
Karl Jansen, Colonel of St. Paul District Army Corps of Engineers  
Rebecca Graser, WI Program Manager of St. Paul District Army Corps of Engineers  
Bill Sande, Project Manager of St. Paul District Army Corps of Engineers  
Nancy Komulainen-Dillenburg, Tribal Liaison of St. Paul District Army Corps of Engineers

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<sup>24</sup> Robbie Orvis, Energy Innovation, A 1.5 Celsius Pathway to Climate Leadership for the United States (February 2021), <https://energyinnovation.org/wp-content/uploads/2021/02/A-1.5-CPATHWAY-to-Climate-Leadership-for-The-United-States.pdf>.

## *Red Cliff Band of Lake Superior Chippewa Indians*

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### *Red Cliff Tribal Council*



March 18<sup>th</sup>, 2022

*VIA ELECTRONIC MAIL*

[preston.cole@wisconsin.gov](mailto:preston.cole@wisconsin.gov)

Department of Natural Resources, Secretary

Preston Cole

PO Box 7921

101 S. Webster Street

Madison WI 53707-7921

**RE:** Red Cliff's Comments on WDNR's draft Environmental Impact Statement for Enbridge's Proposed Line 5 Project

Boozhoo Secretary Cole,

The Red Cliff Band of Lake Superior Chippewa (henceforth Gaa-Miskwaabikaang) respectfully submits the following comments on the Wisconsin Department of Natural Resources' (henceforth WDNR) draft Environmental Impact Statement (henceforth dEIS) for Enbridge's proposed Line 5 Project around Bad River (henceforth L5 Project). Gaa-Miskwaabikaang is a federally recognized tribal nation that retained the inherent right to hunt, fish, and gather "with the other usual privileges of occupancy" within ceded territories (henceforth Treaty Rights) under the 1842 Treaty of LaPointe with the United States government.<sup>1</sup> Our authority, as a sovereign nation, includes exercising stewardship responsibilities of our **inawemaaganag** (relatives), who are often called "natural resources", across the ceded territories upon which meaningful exercise of treaty rights is based. These authorities provide us opportunities and the responsibility to submit comments to support, protect, and preserve treaty relatives for the next seven generations within ceded territories and the sacred waters of **Anishinaabeg Gitchigami** (Lake Superior). Gaa-Miskwaabikaang has the following comments on the WDNR's dEIS.

#### **General Comments**

Gaa-Miskwaabikaang is deeply concerned with the quality and content of the dEIS. Gaa-Miskwaabikaang made it clear to the WDNR, during our September 2020 Government-to-Government Consultation, that impacts to Lake Superior and her fisheries from construction and an oil spill must be assessed in the EIS. This was consistently brought up in technical calls between the WDNR and Tribes. Our December 10th, 2021, letter stated that the dEIS lacks any meaningful consideration of L5 Project-related impacts to Lake Superior. We have determined that the only changes from the November 2021 dEIS and December 2021 dEIS were minor formatting changes and an updated *Appendix H Wetland and Waterway Crossing Maps*. An inadequate dEIS should not have been released.

Attached to this comment letter is a spreadsheet that details our comments organized by dEIS sections and page

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<sup>1</sup> 1842 Treaty of LaPointe, October 4, 1842

number (based on the November 2021 dEIS). The comments below are meant to highlight just some of the big picture changes that are needed for the WDNR's environmental review process. We urge the WDNR to respond to each comment in the attached spreadsheet. We have also attached our comments dated December 10<sup>th</sup>, 2021, and request that the WDNR also respond to the concerns raised in those comments. The WDNR needs much more information to be able to adequately assess the potential impacts from the L5 Project. Enbridge flaunted that the Line 3 Expansion Project in northern Minnesota (henceforth L3E) exceeded regulatory standards and was the most studied pipeline in Minnesota's history.<sup>2</sup> Despite that, the L3E had several high-profile environmental incidents that Minnesota regulatory agencies are still monitoring and/or investigating. The WDNR's failure to ensure that something similar does not occur during the L5 project threatens our ability to exercise our treaty rights to hunt, fish, and gather in the ceded territory.

### **Impacts to Treaty Rights, Tribal Cultural Resources, and Sacred Sites and Landscapes**

The dEIS fails to recognize our deep cultural connection to the place we live and the beings we live with. Relegating tribal perspectives to isolated subsections of the dEIS allows for the exclusion of our cultural ways when determining the magnitude of impacts from the L5 Project. Negative impacts to the quality and quantity to water, fish, and other beings are an impact to tribal cultural resources. Any impacts to our Treaty Rights and resources constitute a violation of the 1842 Treaty of LaPointe. Such an act disregards Article VI of the U.S. Constitution, which recognizes that "treaties... shall be the supreme law of the land".<sup>3</sup> Any potential impacts to Treaty Rights from the proposed L5 Project must be fully assessed in the dEIS for the WDNR to make an informed decision on permitting.

The dEIS lacks detailed information and necessary data to assess specific impacts to Treaty Rights and tribal cultural resources. Nearly every aspect of dEIS lacks site-specific detail. For example, the dEIS failed to provide any details on portions of the aquifer along the L5 Project's route. This type of data gap leaves the L5 Project susceptible to incidents, such as aquifer breaches, like what happened during L3E construction. The dEIS doesn't include the necessary information to prevent the same thing from happening during L5 Project construction. The dEIS frequently references the use of Best Management Practices (henceforth BMPs) to prevent or reduce potential impacts from the proposed construction, but they are often not explained. The potential construction-related impacts are not assessed in detail. For instance, the dEIS includes concerning little information about the proposed blasting. The lack of geotechnical data, groundwater data, and site-specific blasting plans leave many uncertainties. It is unclear if the L5 Project could cause fissures or fractures bedrock, impact aquifers, and change groundwater-surface water connectivity. This could cause the warming of cold-water streams and/or impact private wells. Additionally, there is no information that indicates how much nitrogen each blasting site may contribute to the environment from blasting residuals. The WDNR needs site-specific data and details to ensure the proposed L5 Project construction will not harm the environment and our Treaty Rights.

The dEIS is sorely lacking detailed information on the impacts from individual water crossings and how the proposed construction will impact fish communities. The dEIS does not include what specific BMPs will be used at the proposed 186+ water crossings. There is also a lack of information provided on the 27+ total waterways that are proposed to be crossed by Horizontal Directional Drilling (henceforth HDD). The dEIS does not include site-specific HDD crossing plans, does not adequately assess the risk of an inadvertent release of drilling mud (henceforth IR) at individual crossings, or a meaningful assessment of the impacts from an IR. IR risk analysis must be included and based on site-specific data. The L3E averaged data from the entire route to create a lower risk assessment for individual HDD crossings. This skewed risk assessment method would create the perception of diminished risk. This perceived diminished risk is what permit decisions and perhaps permit conditions would be based on. This would jeopardize our Treaty Rights and should not be allowed to occur for the L5 Project. More data and risk analysis is needed for the dEIS to be able to assess potential impacts from an IR for the L5 Project. Regulatory agencies and Tribes must know the drilling mud composition to be able to assess impacts to the environment and tribal cultural resources. Enbridge recognizes that an IR "during HDD crossings is a generally

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<sup>2</sup> "Line 3 Replacement: Fact vs. Fiction." *Enbridge Inc.*, <https://www.enbridge.com/projects-and-infrastructure/public-awareness/line-3-replacement-us/line-3-fact-vs-fiction#:~:text=FACT%3A%20Line%20%20far%20exceeds,Minnesota%20legal%20and%20regulatory%20requirements.>

<sup>3</sup> *United States of America Constitution*. 1788.

known and common risk associated with the HDD crossing method”.<sup>4</sup> The Minnesota Pollution Control Agency is still investigating at least 28 IRs from L3E construction. They have reported that 12 out of the 19 HDD crossings had IRs. The dEIS’s assessment was limited to the bentonite clay component and generalized information on how that may impact an ecosystem. We urge the WDNR to conduct extensive modeling that includes quantities of mud comparable to those involved with the L3 IR incidents. Data collected by community scientists following L3E IR indicate the drilling mud likely contains sulfate and barium-rich compounds.<sup>5</sup> Some known components of the drilling mud can impact spawning grounds, water turbidity, and pH levels. At least three of the disclosed additives from the L3E have warnings such as “avoid discharge into drains, watercourses or onto the ground” and another additive explicitly states, “avoid release to the environment”.<sup>6</sup> The dEIS does not address these potential impacts or how they will impact our Treaty Rights. Drilling mud can surface through any available fissure not just directly above the HDD path. As such, the dEIS should consider impacts from an IR surfacing up to a half-mile from the Right of Way or a work area. The dEIS fails to provide assurance that fish communities will not be harmed by the L5 Project. This includes the naturally reproducing Lake Sturgeon community in the Bad River. Lake Sturgeon are under review for listing under the Endangered Species Act. The dEIS does not mention the interagency Lake Sturgeon restoration efforts in the Bad River or how the L5 Project may impact Lake Sturgeon. The dEIS does not consider how Lake Sturgeon could be impacted by the L5 Project. The dEIS needs to meaningfully assess how the proposed Line 5 Project’s water crossings will impact the environment, beings that rely on the environment, and our Treaty Rights.

Enbridge has submitted a Timing Restriction Waiver Request Form, dEIS’s *Appendix F*. Gaa-Miskwaabikaang is opposed to the waiving of any timing restrictions and urges the WDNR to deny this request. This request contradicts Enbridge’s alleged intention to “adhere to the DNR-recommended timing restrictions for in-water work” (dEIS Section 6.14.9). Timing restrictions are in place to protect spawning fish, manoomin development, and other important environmental processes. Enbridge does not state why they need a waiver that threatens the wellbeing of fish, rice, and water. We can only assume that their motivation is to complete construction as quickly as possible regardless of environmental impacts. Gaa-Miskwaabikaang opposes the issuance of a timing waiver without adequate environmental review, the consent of downstream communities, and the consent of all 1842 Treaty Signatory Tribes.

The dEIS’s analysis of threatened, endangered, and other rare species, (henceforth vulnerable relatives) and their habitats was not based on adequate surveys and should not qualify as an adequate Endangered Resources review. Many of Enbridge’s observations were incidental to conducting wetland surveys and should not qualify as vulnerable relative surveys. The safety and wellbeing of these relatives are important and require specific surveys. As an example, their permit application *Appendix M – Protected Species Survey Reports and Consultation* (dated January 2020) identified only one occurrence of Braun’s holly fern (henceforth BHF) and the dEIS mentions two occurrences of BHF. Great Lakes Indian Fish and Wildlife Commission (GLIFWC) staff identified ten occurrences of BHF during the survey along one mile of the proposed route.<sup>7</sup> The dEIS should also consider Bad River’s *Ma’iingan (Gray Wolf) Relationship Plan* and the six-mile buffer around the reservation that they have established.<sup>8</sup> All surveys should also be done with the inclusion of culturally significant relatives, such as wolves who are a sacred relative and our brother (and recently had their federal protections restored), and consideration of impacts

<sup>4</sup> Hahn, Bobby. “Response to January 7, 2022 Correspondence.” Received by Senator John Marty, 14 Jan. 2022.

<sup>5</sup> Science for the People-Twin Cities. “Line 3 Water & Drilling Fluid Chemistry - Results & Analysis.”

*Google Docs*, Google,

<https://docs.google.com/document/d/1FhRH3BLBDefAN3c7rJ4fkQxPuzhHfdxBrWTZNEUOoCw/edit>.

<sup>6</sup> *MPCA Line 3 401 Certificate Attachment L Drilling Mud Additives Information 2020*. Minnesota Pollution Control Agency. (n.d.). Retrieved from <https://www.pca.state.mn.us/>

<sup>7</sup> Vaisvilas, Frank. “Tribal Officials Call for Federal Review of Wisconsin Oil Pipeline Project They Say Could Kill Rare Species.” *Gazette*, Green Bay Press-Gazette, 25 Jan. 2022,

<https://www.greenbaypressgazette.com/story/news/native-american-issues/2022/01/25/tribes-enbridge-wisconsin-oil-pipeline-could-kill-rare-species/9203365002/>.

<sup>8</sup> Fergus, A and Hill, L. (2019). Mashkiiziibii Wildlife Program. *Mashkiiziibii Ma’iingan (Gray Wolf) Relationship Plan* (Edition 2). Odanah, WI: Bad River Band of Lake Superior Tribe of Chippewa Indians, Mashkiiziibii Natural Resources Department

from a potential oil spill, which constitutes a cumulative effect, since oil spills are reasonably foreseeable future actions.

As stated in our December 10<sup>th</sup>, 2021 letter, the dEIS's *Chapter 7: Risk and Potential Effects of Pipeline Spills* is inadequate. The dEIS does not include a fate and transport analysis of an oil spill as discussed in technical meetings with the WDNR, Tribes, and GLIFWC. The next dEIS should include meaningful analysis of a potential oil spill and specific impacts it could have on Treaty Rights and tribal cultural resources. We urge the WDNR to include oil spill analysis with waterway specific modeling, including an analysis of how an oil spill would impact our Treaty Rights and tribal cultural resources. This modeling should be accompanied by immediate and long-term impact assessments of manoomin beds, fish spawning grounds, and fish populations associated with inland waterways, the Chequamegon Bay, and the Apostle Islands. Long-term impacts should include impacts to future manoomin wellness, fish populations, and ripple effects in the food web. The Pipeline and Hazardous Materials Safety Administration (henceforth PHMSA) was court-ordered to review Enbridge's spill response plans for the region, consult with the appropriate environmental agencies, and conduct an environmental review under the National Environmental Policy Act.<sup>9</sup> This has not been completed as of February 2022 indicating that any L5 Project spill modeling and analysis should not assume a meaningful spill response will occur.

Enbridge should not be allowed to conduct any further ground-disturbing activities to collect additional data and surveys without a Tribal Cultural Resources Survey (henceforth TRCS) in accordance with the requirements of Section 106 of the National Historic Preservation Act (henceforth NHPA 106). There has not been a NHPA 106 Tribal Cultural Resources Survey (henceforth TRCS) conducted yet and the desecration of any sacred and/or cultural sites cannot be allowed. A TRCS is necessary to fully assess where tribal cultural resources are in relation to the L5 Project. Enbridge documents show they have already drilled at least one site that was identified by their contractor as a potential Traditional Cultural Property without a tribal monitor present, in violation of the requirements of NHPA 106. The dEIS *Section 6.18.2.1 Tribal Cultural Resources Survey* is based on a survey conducted by a private company and not by a Tribe. The WDNR must recognize that Enbridge staff/contractors, including any native-owned business or employee that is a tribal member, are not able to conduct a *tribal* cultural survey or act as a *tribal* monitor. Additional ground-disturbing activities would be premature and potentially harmful until a TRCS has been completed by the appropriate Tribal Historic Preservation Office(s) and any future ground-disturbing activities must not be conducted without the presence of a Tribal Monitor.

### **Biased Perspective of the dEIS**

The dEIS accepts information from Enbridge as fact and information from Tribes as perspective. Ojibwe cultural ways and beliefs such as in *Section 5.8.1.2 Ojibwe Cultural Places*, *Section 6.18.3 Bad River Band Assessment of Cultural Resources Reviews*, and *Section 8.5 Discussions with Tribal Members and Staff* deserve to be given as much validity as any other factual aspect of the dEIS. It appears that the EIS contractor, TRC, did very little outside research and relied on information supplied by the applicant. Tellingly, the TRC website states that TRC has a "strong relationship" with Enbridge, which gives them a vested interest in ensuring this project is permitted.<sup>10</sup> The dEIS accepts Enbridge's assertion that the L5 Project is necessary and provides no independent assessment on the Project Alternatives or meaningful assessment of the Route Alternatives. An environmental review should be conducted by a neutral party to accurately identify and assess both the positive and negative impacts of a proposed project.

### **Missing and Murdered Indigenous Women, Girls, Two Spirits, and Relatives Epidemic**

The Missing and Murdered Indigenous Women, Girls, Two Spirits, and Relatives epidemic (henceforth MMIWR) was not meaningfully considered in the dEIS. There was no consideration of how the L5 Project specifically would contribute to MMIWR or any cumulative impact assessment of how this would affect the communities around the L5 Project. We urge the WDNR to include an assessment of current social resources that relate to MMIWR such as

<sup>9</sup> United States District Court, Eastern District of Michigan, Southern Division. *National Wildlife Federation vs. Secretary of the Department of Transportation, Et Al*. 29 Mar. 2019.

<sup>10</sup> "TRC Makes Big Push into Canada by Entering Oil & Gas Market and Expanding Existing Infrastructure Practice." *TRC*, 29 Apr. 2020, <https://www.trccompanies.com/insights/trc-makes-big-push-into-canada-by-entering-oil-gas-market-and-expanding-existing-infrastructure-practice/>.

tribal social programs, non-tribal shelters, law enforcement capacity to search for and/or rescue MMIWR, medical facility capacity to support survivors, etc. Any meaningful assessment must include if/how much surplus capacity these entities and programs have for an increased workload. The dEIS references two sex sting operations during L3E construction that led to the arrest of Enbridge workers but somehow fails to conclude that Enbridge's MMIWR training was insufficient. This may be because the dEIS didn't consider incidents that garnered less media attention. A few months into L3E construction, the Violence Intervention Project, a northern Minnesota domestic and sexual violence support organization, reported experiencing an "increase in calls and needs for services" and that "local women and girls [were] verbally harassed by Line 3 workers". The organization struggled to find housing for clients when the shelters were full because nearby hotels were full.<sup>11</sup> It's likely that the prevalence of L3 workers in local hotels contributed significantly to the shortage of available rooms. The dEIS also failed to assess the cumulative impacts of MMIWR. This should have included the long-term impact of the passing down of cultural teachings and the domino effect this violence has on family members, friends, and future generations of those connected to the violence. WDNR staff should meet with Wisconsin's Missing and Murdered Indigenous Women Task Force (henceforth MMIWTF) to discuss the L5 Project and its potential impacts. The dEIS should include actions that can be taken to reduce the L5 Project's MMIWR impact just as they should for any other impact. The L5 Project should not be permitted if the WDNR is not able to undertake adequate agency actions, as determined by Tribes and MMIWTF, to prevent MMIWR contributions.

### **Wisconsin Environmental Protection Act and Permitting Process**

The dEIS is not an adequate environmental review. Gaa-Miskwaabikaang formally requests that the necessary additions be made to the dEIS and that the dEIS be released for another round of public and Tribal review. If the WDNR decides to develop draft permits, Gaa-Miskwaabikaang is formally requesting that such draft permits be released for public and Tribal review. The WDNR should not limit tribal and public opportunity for comment on the WDNR permits to the EIS scoping period.

Gaa-Miskwaabikaang formally requests that the next step in the environmental review process is releasing a new dEIS that include the following:

1. additional studies and surveys, such as Threatened and Endangered Species surveys;
2. site-specific details;
3. baseline water sampling data to assess baseline conditions and data for all chemicals used in HDD drilling mud at locations upstream, downstream, and nearby all HDD crossings to help inform the dEIS of inadvertent releases' impacts to the environment;
4. oil spill fate and transport modeling and analysis;
5. meaningful climate change analysis on upstream and downstream Line 5 contributions to Greenhouse Gas emissions;
6. a Cumulative Impacts section that assesses upstream and downstream effects to health, environmental, and cultural wellbeing of communities at the points of extraction, associated refineries, and the construction of pipelines that facilitate the operation of Line 5;
7. information on how the L5 Project plans to cross the existing Northern Natural Gas pipeline and TC Energy's Great Lakes Transmission pipeline;
8. acknowledgment of Bad River as a downstream entity with treatment in a manner similar to a state; and
9. address how the impacts from the construction and operation of the L5 Project may impact Bad River's water quality standards.

Gaa-Miskwaabikaang formally requests that the permitting process moving forwards include the following:

1. prohibit Enbridge from any ground-disturbing activities until a full National Historic Preservation Act Section 106 Tribal Cultural Resources Survey is conducted. After said survey is conducted, a Tribal Monitor must be present for any ground-disturbing activities;
2. deny all timing waiver requests;
3. involve Tribes, GLIFWC, and the MMIWTF in the development and approval of an MMIWR related training and mandate said training for all L5 Project-related workers effective immediately;

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<sup>11</sup> HealingMN. "Document Provides New Evidence of Line 3 Workers Assaulting Women and Girls." *Healingmnstories.wordpress.com*, 11 Mar. 2021, <https://healingmnstories.wordpress.com/2021/03/06/document-provides-new-evidence-of-line-3-workers-assaulting-women-and-girls/>.

4. develop a fact sheet that highlights changes from the December 2021 dEIS and the next version of the dEIS;
5. open a minimum 90-day comment period, host an open house or similar type of educational meeting, and hold a Public Hearing for the next version of the dEIS;
6. if draft permits are developed there should be non-concurrent public comment periods s per permit, an open house or similar type of educational meeting, and a Public Hearing; and
7. involve concerned Tribes and GLIFWC in conversations pertaining to third-party independent monitors.

We remain committed to protecting nibi (water), aki (land), and air of our current and ancestral homelands for our people and the generations to come. Preserving the environment means preserving our treaty rights, our traditional life ways, and our sacred landscapes. Miigwech (thank you) for the opportunity to submit comments. Questions and follow-up can be directed to Linda Nguyen, Red Cliff Environmental Director, at [linda.nguyen@redcliff-nsn.gov](mailto:linda.nguyen@redcliff-nsn.gov) or 715-779-3650.

Sincerely,



Christopher Boyd  
Tribal Chairman  
Red Cliff Band of Lake Superior Chippewa

Cc: Red Cliff Tribal Council  
Marvin Defoe, Red Cliff Tribal Historic Preservation Office  
Chase Meierotto, Red Cliff Treaty Natural Resources Administrator  
Linda Nguyen, Red Cliff Environmental Department  
Kris Goodwin, WDNR Tribal Liaison  
Adam Mednick, WDNR Wisconsin Environmental Policy Act Coordinator  
Ben Callan, WDNR Chief Integration Services Section

Attachments: WDNR dEIS Spreadsheet Comments  
Red Cliff TNR Line 5 Reroute dEIS Preliminary Comments

**From:** [Brett Korte](#)  
**To:** [Friis, Michael J - DOA](#); [Angel, Kathleen - DOA](#)  
**Cc:** [Park, Emily](#); [Robinson, Stephanie](#); [Britnie Remer](#); [Evan Feinauer](#); [Shannon Myers](#); [Rob Lee](#); [Anyia Janssen](#); [Elizabeth Ward](#)  
**Subject:** 350/CW/MEA/SC re: Line 5 Consistency Review  
**Date:** Sunday, August 4, 2024 8:40:59 PM  
**Attachments:** [350 CW MEA SC - Line 5 CZMA Comment.pdf](#)

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**CAUTION: This email originated from outside the organization.  
Do not click links or open attachments unless you recognize the sender and know the content is safe.**

Dear Mr. Friis:

Please find attached comments on behalf of 350 Wisconsin, Clean Wisconsin, Midwest Environmental Advocates, and Sierra Club Wisconsin Chapter regarding the Wisconsin Coastal Management Program's review for consistency of the proposed Line 5 segment relocation program.

A version of this comment was also submitted through DOA's online portal. The portal does not allow for links or attachments, and formatting constraints required that we exclude several images and tables included in the attached letter. We request that the attached letter is the version included in WCMP's record.

Please let us know if you have any questions.

Thank you,

Brett Korte

**Brett Korte**

Staff Attorney | [Clean Wisconsin](#)

Pronouns: he/him

[bkorte@cleanwisconsin.org](mailto:bkorte@cleanwisconsin.org)

608.251.7020 x327

August 4, 2024

**Sent via email and online portal**

Mr. Michael Friis  
Wisconsin Coastal Management Program  
101 E Wilson Street, 2nd Floor  
P.O. Box 8944  
Madison, Wisconsin 53708  
Michael.friis@wisconsin.gov

**Re: Consistency Review for Enbridge Energy's Line 5 Reroute**

Dear Mr. Friis:

The undersigned organizations, 350 Wisconsin, Clean Wisconsin, Midwest Environmental Advocates, and Sierra Club Wisconsin Chapter, appreciate the opportunity to comment on the Wisconsin Coastal Management Program's (WCMP) consistency review for Enbridge Energy's proposed Line 5 segment relocation project in northern Wisconsin (the Line 5 Reroute).

Over 50 years ago, Congress passed the Coastal Zone Management Act of 1972 (CZMA) to help states address the growing impact of development, industry, and pollution on the nation's coastal zone, including the Great Lakes.<sup>1</sup> Under the CZMA, Wisconsin developed the WCMP to protect the ecological, economic, and aesthetic assets of Wisconsin's Great Lakes coasts for all Wisconsinites, including those of future generations.<sup>2</sup> The WCMP and its policies are essential for protecting Lake Superior and Wisconsin's fragile coastal natural areas, which WCMP acknowledges are in an "increasingly tenuous position."<sup>3</sup>

The Bad River watershed and Lake Superior shoreline are extremely valuable coastal resources. As the healthiest and largest of the Great Lakes, Lake Superior is a critical source of drinking water for many communities.<sup>4</sup> Its uniquely forested watershed contains sensitive natural areas, including

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<sup>1</sup> See generally Linda Malone, *The Coastal Zone Management Act*, 1 Env'tl. Reg. of Land Use §§ 3-5 (2024); Lieutenant Commander Joseph Romero, Uncharted Waters: The Expansion of State Regulatory Authority Over Federal Activities and Migratory Resources Under the Coastal Zone Management Act, 56 Naval L. Rev. 137 (2008); Eric Laschever, Resisting Regulatory Rollback in the Trump Era: The Case for Preserving CZMA Consistency, 50 Env'tl. L. Rep. 10134 (2020).

<sup>2</sup> See Wisconsin Coastal Management Program, Coastal Strategic Vision for the Great Lakes 7 (2007) (Wisconsin's coastal management goal is "[t]o preserve, protect, develop and where possible, to restore or enhance, the resources of Wisconsin's coastal area for this and succeeding generations. . . ."), and 9 ("The Great Lakes coastal area of Wisconsin is a valuable ecological, economic and aesthetic state resource, and Lakes Superior and Michigan and Green Bay are recognized as vast water resource reservoirs which benefit the state."), [https://doa.wi.gov/DIR/Coastal\\_Strategic-Vision-for-Great-Lakes.pdf](https://doa.wi.gov/DIR/Coastal_Strategic-Vision-for-Great-Lakes.pdf). (Hereinafter, "Strategic Coastal Vision.")

<sup>3</sup> See *id.* at 12 ("Coastal natural areas, which include forests, lakes, streams, swamps, bogs and marshlands, are in an increasingly tenuous position.").

<sup>4</sup> See Mich. Dep't of Env't, Great Lakes, & Energy, Lake Superior,

wetlands, that harbor extraordinary biodiversity.<sup>5</sup> Wisconsin's coastal wetlands are also important for the critical roles they play protecting the shoreline from erosion, improving water quality, and preventing floods.<sup>6</sup> One of those wetlands, the Kakagon and Bad River Sloughs complex contains the last extensive coastal wild rice beds in the Great Lakes and provides habitat for several rare and threatened species, as well as migratory birds.<sup>7</sup> Due to their ecological importance, the sloughs are recognized as a National Natural Landmark<sup>8</sup> and a Ramsar Wetland of International Importance.<sup>9</sup>

Enbridge is currently operating its Line 5 oil and natural gas liquid (NGL) pipeline in trespass on the Bad River Reservation and has been since 2013.<sup>10</sup> To continue profiting from the pipeline when finally forced to rectify this trespass, Enbridge proposes to reroute the pipeline around the boundaries of the Bad River Reservation. However, the rerouted pipeline would remain in the Bad River watershed, contrary to the wishes of the Bad River Band.<sup>11</sup>

Construction and operation of the Line 5 Reroute would have a significant impact on Wisconsin's coastal resources. Construction will require hundreds of additional, vulnerable water crossings, and impact a 41-mile corridor within Wisconsin's coastal zone, disturbing at least 101.1 acres of wetlands. These impacts will persist even after construction, as the plan includes a permanent 30-foot access corridor along the length of the reroute, which will cause permanent habitat fragmentation and increase the risk of invasive species penetration. The corridor will also be continually disturbed by inspection and repairs. The Line 5 Reroute will also require Enbridge to permanently clear woody vegetation from 30.06 acres of forested wetlands and 6.31 acres of shrub wetlands. Woody wetlands serve a variety of important ecological functions, including flood mitigation and wildlife habitat.<sup>12</sup>

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<https://www.michigan.gov/egle/about/organization/water-resources/great-lakes-coordination/lake-superior> (last visited June 17, 2024, 1:17pm); Rob Hyde & Liz LaPlante, *Lake Superior LAMP 2015-2019*, Lake Superior P'ship, 19, 21, 75 (2016) <https://binational.net/wp-content/uploads/2022/09/Lake-Superior-LAMP-2020-2024.pdf>.

<sup>5</sup> See *id.* at 11, 26.

<sup>6</sup> *Wetland Functional Values*, Wis. Dep't of Nat. Res., <https://dnr.wisconsin.gov/topic/Wetlands/function.html> (last visited July 18, 2024); *Importance of Great Lakes Coastal Wetlands*, U.S. Env't Prot. Agency, [https://19january2021snapshot.epa.gov/great-lakes-monitoring/importance-great-lakes-coastal-wetlands\\_.html](https://19january2021snapshot.epa.gov/great-lakes-monitoring/importance-great-lakes-coastal-wetlands_.html) (last visited July 18, 2024); Joanna Grand et al., *Prioritizing Coastal Wetlands For Marsh Bird Conservation In The U.S. Great Lakes*, 249 *Biological Conservation* (Sept. 2020), <https://www.sciencedirect.com/science/article/abs/pii/S0006320720307667?dgcid=author>.

<sup>7</sup> Ramsar Sites Information Service, Kakagon and Bad River Sloughs, <https://rsis Ramsar.org/ris/2001> (last visited Aug. 8, 2024) (Hereinafter, "Ramsar.")

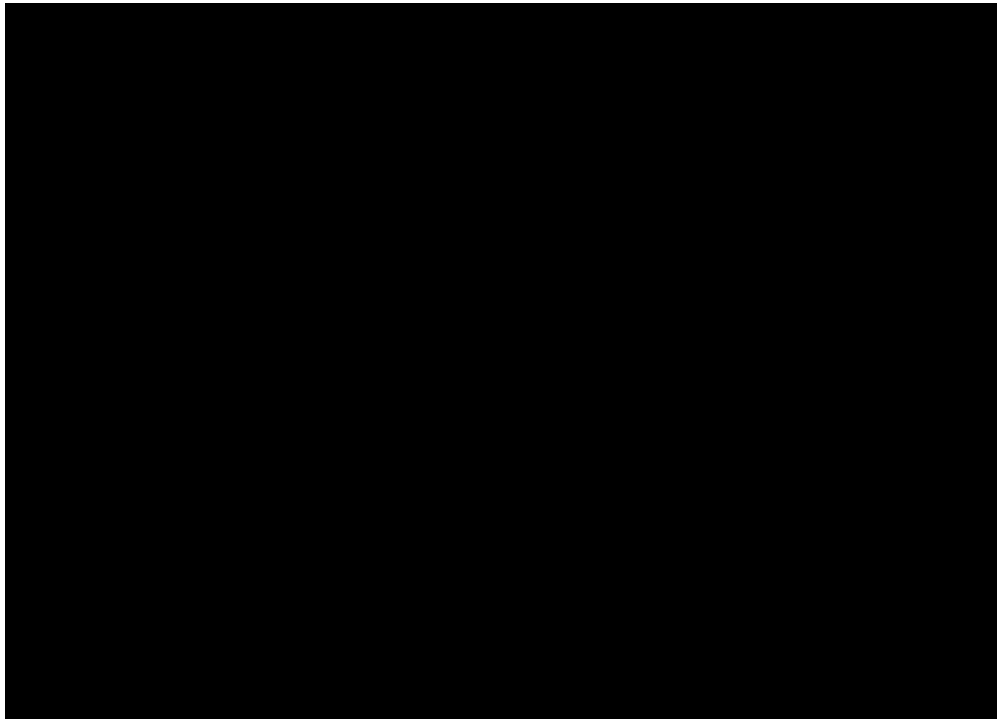
<sup>8</sup> Nat'l Park Serv., *National Natural Landmarks: Kakagon Sloughs*, <https://www.nps.gov/subjects/nl/landmarks/site.htm?Site=KASL-WI> (last visited Aug. 1, 2024).

<sup>9</sup> Ramsar.

<sup>10</sup> Laina Stebbins, *Judge Rules for Tribe in Line 5 Suit, Says Enbridge Must Pay Damages*, Wisconsin Examiner, Sep. 12, 2022, available at <https://wisconsinexaminer.com/2022/09/12/judge-rules-for-tribe-in-line-5-suit-says-enbridge-is-trespassing-and-must-pay-damages/>.

<sup>11</sup> Izzy Ross, *Tribes Urge U.S. to Weigh in on Line 5 Case as Appeal Sits in Court*, Interlochen Public Radio, Mar. 8, 2024, available at <https://www.greatlakesnow.org/2024/03/tribes-urge-u-s-to-weigh-in-on-line-5-case-as-appeal-sits-in-court/> ("It's a band-aid for an aging pipeline," said Stefanie Tsosie, an Earthjustice attorney who has represented the tribe. "The risk of an oil spill will still exist in the Bad River watershed. And instead of moving it out of the watershed, [Enbridge moves] it upstream of the reservation. So now the entire reservation would be subject to an oil spill."')

<sup>12</sup> U.S. Env't Prot. Agency, *EnviroAtlas: Percent Forest and Woody Wetlands*, 1 (2020), <https://enviroatlas.epa.gov/enviroatlas/DataFactSheets/pdf/ESN/Percentforestandwoodywetlands.pdf>



*Image 1: Map of Line 5's current path and proposed northern relocation route.  
(Source: Great Lakes Indian Fish and Wildlife Commission)*

Enbridge claims it will restore some wetlands and other disturbed habitats to their original condition. However, wetlands are difficult, and sometimes impossible, to restore due to the subtle interactions of hydrology, soils, nutrients, vegetation, and animal life in each wetland.<sup>13</sup> Enbridge fails to provide adequate plans in permitting documents for how it will successfully restore these unique ecosystems.

While certain impacts to coastal resources from construction and operation of the Line 5 Reroute are significant, the very real threat of oil spills must also be considered in the context of WCMP's consistency review. Unfortunately, Enbridge has a poor safety and environmental record, both with Line 5 and other pipelines.

Line 5 itself has spilled at least 29 times in the last 50 years, releasing more than 1.1 million gallons of oil into the environment.<sup>14</sup> And only one of these spills is known to have been identified by Enbridge's leak detection systems.<sup>15</sup> Less than 15 years ago, Enbridge was responsible for one of the largest inland oil spills in U.S. history when its Line 6B in Michigan ruptured and spilled oil for 17 hours until a local utility reported it to Enbridge. In fact, Enbridge's own actions resulted in

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<sup>13</sup> Jon Kusler, *Common Questions: Wetland Restoration and Enhancement*, 1 (2006), [https://www.nawm.org/pdf\\_lib/20\\_restoration\\_6\\_26\\_06.pdf](https://www.nawm.org/pdf_lib/20_restoration_6_26_06.pdf).

<sup>14</sup> Garret Ellison, *Enbridge Line 5 has spilled at least 1.1M gallons in past 50 years*, MLIVE MEDIA GROUP (Apr. 26, 2017), [https://www.mlive.com/news/2017/04/enbridge\\_line\\_5\\_spill\\_history.html](https://www.mlive.com/news/2017/04/enbridge_line_5_spill_history.html) (last visited July. 18, 2024).

<sup>15</sup> *Id.*

hundreds of thousands of additional gallons of oil being released than otherwise would have been.<sup>16</sup> In the end, over a million gallons of oil devastated 38 miles of the Kalamazoo River.

The Line 5 Reroute would cross 180 streams, wetlands, and other water bodies in the Lake Superior basin; a spill would endanger drinking water sources, essential wildlife habitat, and recreation resources such as Copper Falls State Park. The reroute poses a threat to all the ecosystems in its path, all of which are coastal natural areas the WCMP protects.

Construction of the Line 5 Reroute requires permitting under the Clean Water Act and an affirmative public interest determination by United States Army Corps of Engineers (USACE). Pursuant to the CZMA, any applicant for these federal permits:

shall provide in the application to the licensing or permitting agency a certification that the proposed activity complies with the enforceable policies of the state's approved program and that such activity will be conducted in a manner consistent with the program. . . . No license or permit shall be granted by the Federal agency until the state or its designated agency has concurred with the applicant's certification[.]<sup>17</sup>

The applicant must provide sufficient data to the state to allow it to determine if the proposed action is consistent and complies with the state's coastal zone management program.<sup>18</sup>

Notably, the USACE's Draft Combined Decision Document (DCDD) and associated appendices fail to provide information adequate for WCMP to analyze the Line 5 Reroute for consistency with the state's enforceable policies (EPs). For example, USACE does not substantively address the possibility of an oil spill in the DCDD—a foreseeable consequence of constructing the reroute given Enbridge's poor history of spills—claiming the consideration of impacts of a spill is outside of its jurisdiction.<sup>19</sup>

Given the DCDD's limited scope and Enbridge's lack of permits from Wisconsin DNR, we are concerned WCMP lacks the information necessary to appropriately analyze the Line 5 Reroute for consistency with the EPs. Given the importance and sensitivity of the coastal resources at stake, Enbridge's proposed Line 5 Reroute must be heavily scrutinized.

We respectfully submit that the proposed construction of the Line 5 segment relocation does not fully comply with all applicable EPs. Accordingly, we ask that WCMP deny the request for concurrence that USACE's permitting action is consistent with Wisconsin's EPs. In the alternative, we believe WCMP should, at least, decline to issue a consistency determination at this time, and

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<sup>16</sup> See Nat'l Trans. Safety Board., Pipeline Accident Report: Enbridge Incorporated, Hazardous Liquid Pipeline Rupture and Release, Marshall Michigan, JULY 25, 2010 (2012), <https://www.nts.gov/investigations/AccidentReports/Reports/PAR1201.pdf> (last visited on Aug. 1, 2024).

<sup>17</sup> 16 U.S.C. § 1456(c)(3)(A).

<sup>18</sup> See 15 CFR § 930.58.

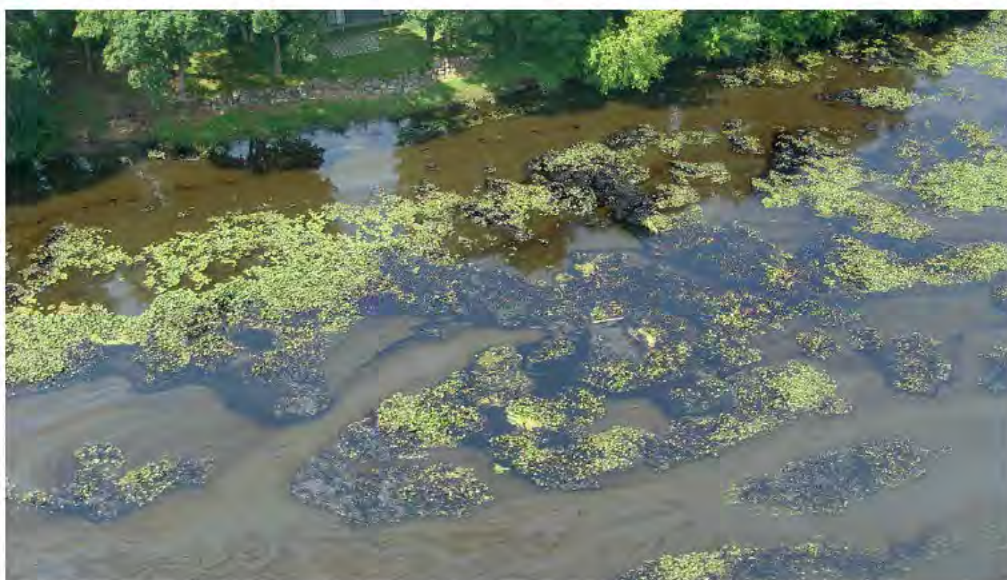
<sup>19</sup> U.S. Army Corps of Engineers, *Enbridge Line 5 Wisconsin Segment Relocation Project: Draft Environmental Assessment, Clean Water Act Section 404(b)(1) Guidelines Evaluation, and Public Interest Review* at 30 (May 20, 2024) (Hereinafter, "DCDD") ("Oil spills are typically associated with pipeline operation, which is outside the Corps [sic] purview to consider.") (The DCDD and appendices are available at [https://www.mvp.usace.army.mil/Enbridge\\_Line5-WI/](https://www.mvp.usace.army.mil/Enbridge_Line5-WI/))

closely investigate the extent to which the concerns raised herein, and/or in other public comments, require denial, or delay and submission of additional information to fully consider the impacts of the Line 5 Reroute on Wisconsin's coastal zone.

The following tables outline information about the Line 5 Reroute and USACE's DCDD relevant to WCMP's consistency review for specific EPs.

#### **D) Coastal Water Quality and Quantity and Coastal Air Quality**

Enbridge's proposed project does not adequately address the project's impacts on coastal water and air quality. The Corps' DCDD relies exclusively on data and statements from Enbridge regarding the project's water and air quality impacts, without performing independent verification of Enbridge's claims. Importantly, USACE does not consider the impacts of greenhouse gas emissions from the pipeline's operation. Enbridge and USACE also fail to address the impacts of an oil spill on coastal water quality.



*Image 2: River Contaminated by Enbridge Oil Spill in 2010  
(Source: United States Environmental Protection Agency)*

<b>WCMP Enforceable Policy<sup>20</sup></b>	<b>Consistency Concern</b>
<b>1.2)</b> An interim goal is the protection and propagation of fish and wildlife and the maintenance of water quality to allow recreation in and on the water to be achieved.	<p>The federal EPA warned that the re-route project will have "substantial and unacceptable" impacts on the Bad River and on the Kakagon-Bad River Sloughs, the largest wetland complex on Lake Superior and a RAMSAR Wetland of international importance.</p> <p>The Kakagon-Bad River Sloughs are a mosaic of sloughs, bogs, and coastal lagoons that harbor the largest wild rice bed on the Great Lakes, supporting important fish spawning and nursery sites alongside critical stopover habitats for migratory birds.</p>

<sup>20</sup> See Coastal Strategic Vision at Attachment C: Specific State Coastal Policies for a list of all EPs.

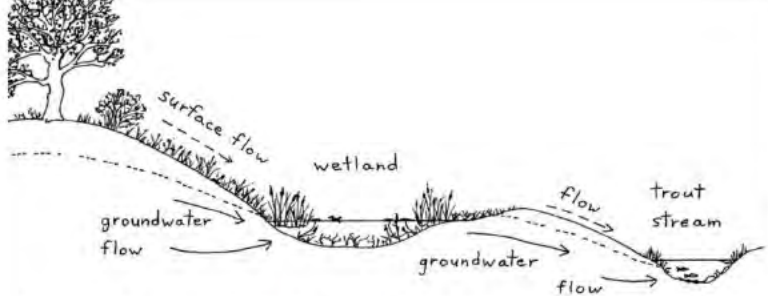
	<p>30.06 acres of forested wetlands and 3.86 acres of shrub wetlands will be permanently cleared of woody vegetation.<sup>21</sup></p> <p>Enbridge and the USACE grossly underreport impacts on wildlife: researchers with the Great Lakes Indian Fish and Wildlife Commission (GLIFWC) have found that many more endangered species could be affected by Line 5 relocation than Enbridge reports.<sup>22</sup></p> <p>Enbridge and the USACE fail to address the risk of an oil spill and the consequences of an oil spill on water quality, recreation, wildlife, or fish.</p>
<p><b>1.3.1)</b> Substances with the potential to cause groundwater contamination shall be regulated to ensure compliance with groundwater quality protection standards.</p>	<p>Enbridge and the Corps fail to adequately consider the possibility and risk of groundwater contamination caused by an aquifer breach, which occurred four times during the recent Line 3 construction.</p> <p>Nine areas on the route (3.1 miles) have a "[m]oderate likelihood" of encountering conditions favorable for aquifer breaches from construction.<sup>23</sup></p> <p>Aquifer breaches are a foreseeable outcome resulting from HDD especially, and other construction activities. While constructing the Line 3 Replacement Project in 2021, Enbridge punctured four aquifers. The breaches caused nearly 300 million gallons of groundwater to flow to the surface and introduced pollutants to the aquifer, incurring fines and a criminal charge for Enbridge. Notably, Enbridge failed to report an aquifer breach and did not meet deadlines to address the breach.<sup>24</sup></p> <p>Sediments, fuel, lubricants, drilling fluids, and blasting contaminants can also contaminate groundwater. Enbridge does not have any site-specific blasting plans to address unique qualities and considerations of different high-quality wetlands or wetlands with shallow bedrock/high groundwater seeps.</p> <p>The effect of an oil spill on groundwater quality is also not considered or addressed. Wetlands and groundwater are deeply connected and interdependent, continually exchanging water. An oil spill in wetlands would be devastating to groundwater quality.</p>

<sup>21</sup> DCDD at 12.

<sup>22</sup> Frank Vaisvilas, *Tribal Officials Call for Federal Review of Wisconsin Oil Pipeline Project They Say Could Kill Rare Species*, Green Bay Press-Gazette (2022), <https://www.greenbaypressgazette.com/story/news/native-american-issues/2022/01/25/tribes-enbridge-wisconsin-oil-pipeline-could-kill-rare-species/9203365002/> (last visited Aug. 1).

<sup>23</sup> DCDD at 70.

<sup>24</sup> Kirsti Marohn, *A Year After Breach, Enbridge Says It's Stopped Line 3 Groundwater Aquifer Leak*, MPR News (2022) ("Enbridge didn't immediately report the breach to state regulators. It wasn't until June that Minnesota Department of Natural Resources officials pieced together what had happened through reports from independent monitors."), <https://www.mprnews.org/story/2022/01/20/enbridge-says-its-stopped-line-3-groundwater-aquifer-leak>.

	 <p><i>Image 3: Interconnection between Groundwater, Wetlands, and Other Surface Waters</i> (Source: <a href="#">Wisconsin Wetlands Association</a>)</p>
<p><b>1.4)</b> Disposal in the waters of the state of the following defined pollutants shall be restricted: dredged spoil, solid waste, incinerator residue, sewage, garbage, refuse, oil, sewage sludge, munitions, chemical wastes, biological materials, radioactive substance, heat, wrecked or discarded equipment, rock, sand, cellar dirt, and industrial, municipal and agricultural waste discharged into water.</p>	<p>Construction activities include temporary and permanent discharge/fill of materials into wetlands. There will be .02 acres of wetlands permanently filled, and 101.1 acres of wetland temporarily filled.<sup>25</sup></p> <p>There will be a 95-ft-wide to 120-ft-wide construction workspace, which will include a spoil side.<sup>26</sup> In wetlands, Enbridge plans to have a 50-ft setback except when a smaller setback is necessary.<sup>27</sup> Enbridge fails to identify areas or site conditions where a smaller setback will be necessary. If a larger construction workspace is necessary, it is not clear what the impact of additional pollutants will be on wetlands and other coastal natural areas.</p>
<p><b>1.5.2)</b> The state shall halt and reverse pollution of its waters by soil erosion by administering goals and standards for conservation of soil and water resources, providing for cost sharing, technical assistance and educational programs to improve land management practices, and enabling the regulation of harmful land use and land management practices. The state shall address construction site erosion control and storm water management through municipal ordinances and state plans for the protection of the state's groundwater, surface water, soil, and related resources.</p>	<p>Stormwater runoff is possible from construction activities and may be exacerbated by the more frequent flooding and flash flooding events experienced in Ashland County. It is not clear how the temporary dams will contribute to stormwater runoff.</p> <p>There is not an established Stormwater Pollution and Prevention plan, as required by the DNR. The DCDD states that there will be Stormwater Pollution and Prevention Plan. It is impossible to determine if the Line 5 relocation is federally consistent with this EP until Enbridge provides this plan.</p>
<p><b>1.9)</b> Thermal discharges shall not raise the receiving water temperatures more than 3 degrees F above the existing natural temperature at the boundary of mixing zones.</p>	<p>Enbridge plans to monitor water temperature, but does not explain whether construction discharge, including sediments, fuel, lubricants, drilling fluids, and blasting contaminants, is expected to impact water temperatures.</p>

<sup>25</sup> DCDD at 11.

<sup>26</sup> *Id.* at 11, 16.

<sup>27</sup> *Id.*

<b>1.10)</b> The discharge of toxic pollutants in toxic amounts shall be prohibited.	Construction equipment will impact air quality, including nitrous oxide, carbon monoxide, volatile organic compounds, sulfur dioxide, and minimal amount of Hazardous Air Pollutants in unclear quantities. <sup>28</sup>
<b>1.12)</b> No person may sell, distribute, use or dispose of any pesticide without obtaining any required licenses and following requirements of the Wisconsin Statutes, the Wisconsin Administrative Code, and local regulations.	Herbicides will be used for major infestation areas of invasive species; it's unclear which herbicides will be used and whether Enbridge or its contractors will be able to secure the proper licenses. <sup>29</sup>
<b>1.15.1)</b> No person may conduct an activity for which the Wisconsin department of natural resources denies a required water quality certification. No person may violate a condition imposed by the department in a water quality certification.	Enbridge does not currently have the required water quality certification.
<b>1.26)</b> For a construction site that has 5 or more acres of land disturbing construction activity, a written plan shall be developed and implemented, incorporating best management practices, to control 80% of the sediment load. A written storm water management plan shall be developed and implemented for each postconstruction site.	<p>The project will disturb more than 5 acres of land. 101.1 acres of wetlands will be affected.<sup>30</sup></p> <p>There is no stormwater or sediment management plan mentioned, and Enbridge and the Corps fail to address whether 80% of sediment will be controlled by the mitigation measures mentioned.</p> <p>Additionally, the Corps and Enbridge have failed to specify the contents of the slurry that will be used in construction. Even if the contents are not considered pollutants, the slurry contents could contribute to sedimentation and suspended solids.</p>

## II) Coastal Natural Areas, Wildlife Habitats and Fisheries

Line 5 will have severe and permanent impacts on coastal natural areas, wildlife habitats, and fisheries. Enbridge and USACE fail to adequately consider the cumulative, long-term impacts of construction, ongoing right-of-way (ROW) maintenance, woody vegetation removal, and habitat fragmentation, nor do they provide specific plans for restoring the unique hydrology, microtopography, functional values, and vegetation of impacted wetlands or other coastal natural areas. These qualities are difficult to restore.<sup>31</sup> Additionally, oil spill impacts on wetlands are often severe and can take decades to fully recover.<sup>32</sup>

<sup>28</sup> *Id.* at 78.

<sup>29</sup> See DCDD Appendix 13, *Invasive and Noxious Species Management Plan*, 1 (2023), [https://www.mvp.usace.army.mil/Portals/57/docs/regulatory/Enbridge/EnbridgeLine5/DCDD/13.%20Invasive%20and%20Noxious%20Species%20Management%20Plan.pdf?ver=9ZajJXjhdZFB1-yb0\\_TBpQ%3d%3d](https://www.mvp.usace.army.mil/Portals/57/docs/regulatory/Enbridge/EnbridgeLine5/DCDD/13.%20Invasive%20and%20Noxious%20Species%20Management%20Plan.pdf?ver=9ZajJXjhdZFB1-yb0_TBpQ%3d%3d).

<sup>30</sup> DCDD at 11.

<sup>31</sup> See Kusler at 2-3.

<sup>32</sup> *Id.* at 2 (“Natural, undisturbed wetlands are usually characterized by organic soils developed over thousands of years and subtle relationships of hydrology, soils, nutrients, vegetation, and animal life. Total restoration of a wetland in a manner that ‘totally duplicates’ all aspects of a naturally occurring wetland including soils is



*Image 4: Blue Heron Covered in Crude Oil from Enbridge Oil Spill  
(Source: Michigan Department of Environment)*



*Image 5: Forest Cleared for Enbridge Construction and Permanent ROW  
(Source: Enbridge)*

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impossible in a short period of time.”); Jacqueline Michel1, Nicolle Rutherford, & Scott Zengel, Oil Spills in Marshes; [https://www.nawm.org/pdf lib/20\\_restoration\\_6\\_26\\_06.pdf](https://www.nawm.org/pdf_lib/20_restoration_6_26_06.pdf)<https://response.restoration.noaa.gov/oil-and-chemical-spills/oil-spills/resources/oil-spills-marshes.html>.

WCMP Enforceable Policy	Consistency Concern
<p><b>2.8)</b> The Wisconsin department of natural resources shall identify and classify trout streams to ensure adequate protection and proper management of this unique resource.</p>	<p>There will be dredged or fill material in two trout streams, Feldcher Creek and Camp Four Creek; other trout streams will be crossed with HDD method or with bridges with, allegedly, no discharge.<sup>33</sup></p> <p>Construction will result in loss of vegetation over waterbodies, including at trout streams.</p> <p>Enbridge and the Corps claim the impacts will be minor and temporary.</p> <p>Enbridge and the Corps also do not address the impact an oil spill will have on trout streams or spawning sites; they also do not address how pollutants introduced by an aquifer breach during construction will impact trout streams or spawning sites.</p>
<p><b>2.15)</b> The Wisconsin department of natural resources shall preserve, protect, restore and manage the state's wetland communities to be sustainable, diverse, and interspersed with healthy aquatic and terrestrial communities. Department actions must be consistent with the goal of maintaining, protecting and improving water quality. The administrative rules regarding wetlands shall be applied in such a manner as to avoid or minimize the adverse effects on wetlands due to actions over which the department has regulatory or management authority and to maintain, enhance and restore wetland functions and values.</p>	<p>Construction activities include temporary and permanent discharge/fill of materials into wetlands. The project will cause unavoidable, permanent fill in wetlands even with mitigation measures. There will be at least 998ft<sup>2</sup> of permanent fill in wetlands, and 101.1 acres of temporary fill. There will be 12.53 acres of temporary matting in wetlands.<sup>34</sup></p> <p>Construction will result in a 120-foot-wide to 95-foot-wide right-of-way through wetlands, and a permanent 50ft permanent maintenance corridor over the pipeline. 33.92 acres of wetland will be permanently cleared of woody vegetation.<sup>35</sup></p> <p>Enbridge and the Corps do not address the impact of an oil spill, which is likely given Enbridge's history of oil spills, on wetlands and wetland wildlife. Wetlands oil spills are devastating and difficult to restore. Numerous bird species, amphibians, and reptiles are particularly vulnerable to oil spills.<sup>36</sup></p>
<p><b>2.19)</b> Unless the Wisconsin department of natural resources has issued a permit or the legislature has granted authorization, no person may change the course of or straighten a navigable stream</p>	<p>The project will disturb the course of streams with dams.</p> <p>Enbridge plans to restore streams to their natural course but does not detail how this will be accomplished. Enbridge also does not explore how the temporary dams will impact flooding events.</p>

### III) Coastal Erosion and Flood Hazard Areas

Flooding is a serious concern in northern Wisconsin. Fluctuating water levels in recent years have significantly impacted communities around Lake Superior and have made coastal resilience an increasingly urgent need in these communities.<sup>37</sup> In addition to many instances of flash flooding,

<sup>33</sup> DCDD at 60.

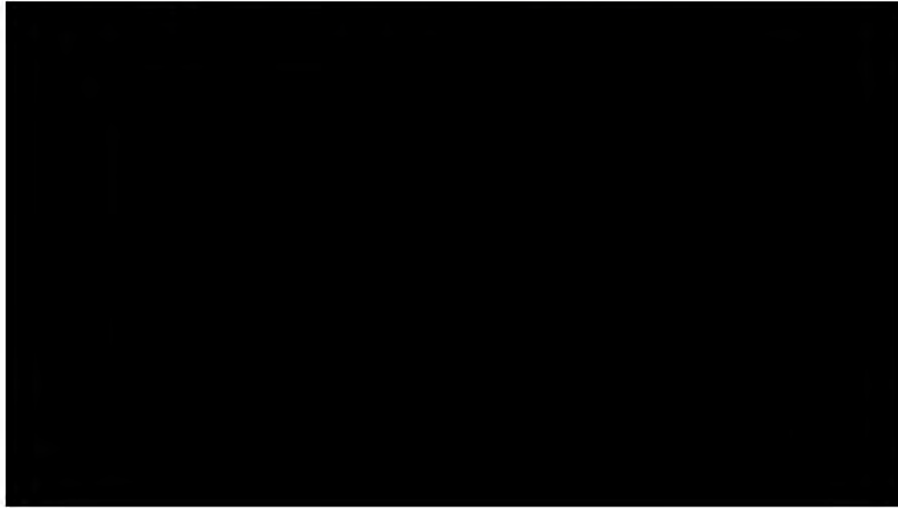
<sup>34</sup> *Id.* at 11.

<sup>35</sup> *Id.*

<sup>36</sup> Esteban Chiriboga, *Cumulative Environmental Risk of Crude Oil and Natural Gas Pipelines in the 1837, 1837, 1842, and 1854 Ceded Territories*, Great Lakes Indian Fish & Wildlife Commission, 11 (2022), available at <https://data.glifwc.org/reports/>.

<sup>37</sup> Wisconsin Coastal Management Program, *Wisconsin Great Lakes Chronicle*, 8 (2023) p. 8 (“Due to fluctuating water levels in recent years, a need to increase coastal resilience has been felt by communities around the Great

major flood events have occurred in 2012, 2016, and 2018.<sup>38</sup> In the 2018 floods, Whittlesy Creek and the White River reached record crests; the deadly flooding washed out many roads, bridges, and culverts in Ashland County and surrounding counties. Repetitive flood damage not only causes administrative and economic challenges, but also poses a significant threat to public safety.<sup>39</sup> Healthy wetland-based hydraulic processes, which Line 5 Reroute construction will interfere with, are fundamental to flood prevention in Wisconsin.<sup>40</sup> Flooding also contributes to pipeline erosion, increasing the need for inspection and the likelihood of oil spills.<sup>41</sup>




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Lakes including Lake Superior. With issues such as flooding, coastal erosion and more frequent extreme weather events on the rise on Lake Superior shorelines, there is an urgent need for available education and resources on these issues within the region.” (“Due to fluctuating water levels in recent years, a need to increase coastal resilience has been felt by communities around the Great Lakes including Lake Superior. With issues such as flooding, coastal erosion and more frequent extreme weather events on the rise on Lake Superior shorelines, there is an urgent need for available education and resources on these issues within the region.”), [https://doa.wi.gov/DIR/Coastal\\_23-Wis-GL-Chronicle.pdf](https://doa.wi.gov/DIR/Coastal_23-Wis-GL-Chronicle.pdf).

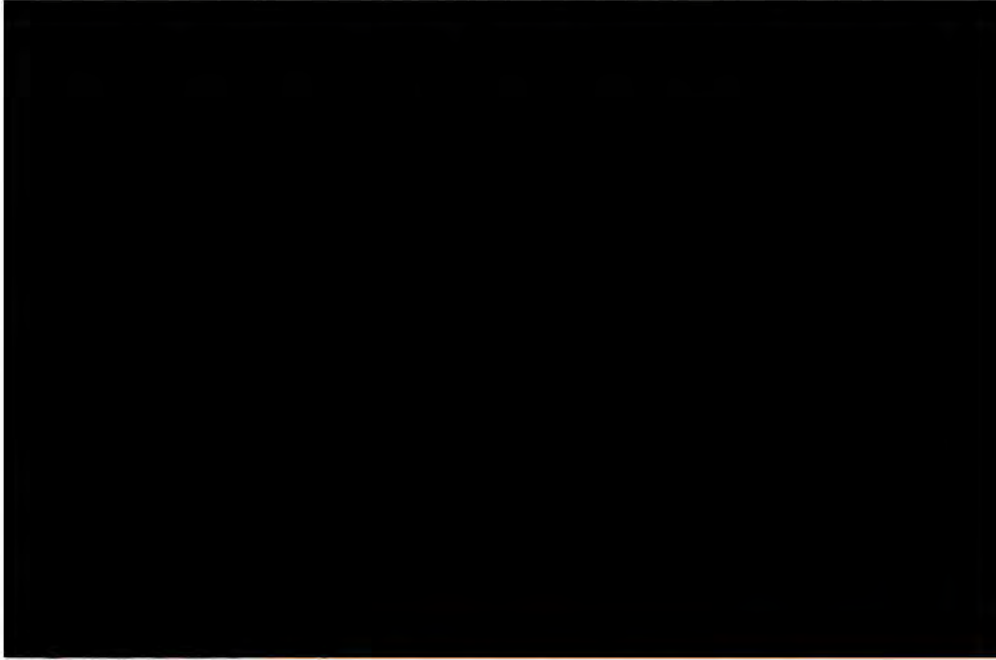
<sup>38</sup> NOAA, *Historic June 2012 Flood in Duluth and the Northland*, [https://www.weather.gov/dlh/june2012\\_duluth\\_flood#:~:text=A%20swath%20of%20impressive%20rainfall.and%20Bayfield%20counties%20in%20Wisconsin](https://www.weather.gov/dlh/june2012_duluth_flood#:~:text=A%20swath%20of%20impressive%20rainfall.and%20Bayfield%20counties%20in%20Wisconsin) (last visited Aug. 1, 2024); Richard Davies, *USA – Deadly Floods in Wisconsin and Minnesota After 254mm of Rain in 24 Hours*, Flood List, <https://floodlist.com/america/usa/wisconsin-minnesota-floods-july-2016> (last visited Aug. 1, 2024); Faith Fitzpatrick, *Flood of July 2016 in northern Wisconsin and the Bad River Reservation*, Scientific Investigations Report 2017-5029 (2017), <https://pubs.usgs.gov/sir/2017/5029/sir20175029.pdf> (last visited Aug. 1, 2024).; NOAA, *Major June Flooding In the Northland* (2018), [https://www.weather.gov/dlh/June15-17\\_2018flooding](https://www.weather.gov/dlh/June15-17_2018flooding) (last visited Aug. 1, 2024).

<sup>39</sup> Wisconsin Wetlands Association, *Ashland County Adopts Natural Flood Management Strategies to Protect Local Roads*, Mar. 10, 2023, available at <https://www.wisconsinwetlands.org/updates/ashland-county-adopts-natural-flood-management-strategies-to-protect-local-roads/> (“Repetitive flood damages create public safety, administrative and economic challenges for local governments. This addendum expands our understanding where flooding is posing problems at road crossings and how restoring natural infrastructure can alleviate these flooding challenges in a cost-effective way.”)

<sup>40</sup> See Paul G. Kent et. al., *The Challenge of Wisconsin's Water Abundance: Managing Stormwater in A Watershed Context*, Wis. Law., May 2022, at 20 [https://www.westlaw.com/Document/T9904a224daf611ec9f24ec7b211d8087/View/FullText.html?transitionType=Default&contextData=\(sc.Default\)&VR=3.0&RS=cblt1.0](https://www.westlaw.com/Document/T9904a224daf611ec9f24ec7b211d8087/View/FullText.html?transitionType=Default&contextData=(sc.Default)&VR=3.0&RS=cblt1.0)

<sup>41</sup> Danielle Kaeding, *Spring Flooding Worsens Erosion Near Enbridge Pipeline, Heightening Fears of Exposure*, WPR (2023), <https://www.wpr.org/economy/wisconsin-spring-flooding-erosion-enbridge-pipeline-bad-river-tribe>.

*Image 6: Ashland County 2016 Floods, (Source: ReadyWisconsin / Civil Air Patrol)*



*Image 7: Bad River 2023 Flood Near Enbridge's Line 5  
(Source: [Enbridge](#))*


WCMP Enforceable Policy	Consistency Concern
3.2) Within unincorporated areas, a setback of 75 ft. from the ordinary high water mark of an adjacent body of water shall be required, unless an existing development pattern exists. A county may enact a more restrictive ordinance.	<p>Temporary workspaces are planned to only be 50ft away from the OHWM.<sup>42</sup></p> <p>Vegetation will only be preserved within 20ft of the OHWM.<sup>43</sup></p> <p>It is unclear whether fill material will be below the OHWM.</p>
3.4) All new subdivision plats, buildings, structures, roads, sanitary or other facilities which are reviewed by state agencies and which are in existing and potential flood hazard areas shall be prevented from exposing citizens to unnecessary hazards or cause future public expenditures for flood disaster relief.	<p>Construction will occur in flood plains and will impact flood plains with HDD, especially when matting is used for crossings.</p> <p>Construction will impact, at a minimum, Bay City Creek, Brunsweller River, Silver Creek, Beartrap Creek, Krause Creek, White River, Marengo River, portions of the Bad River, and unnamed tributaries with unnumbered Zone A floodplains.<sup>44</sup></p> <p>It is unclear if the proposed plans are designed to adequately accommodate significant flood events. Further, the Corps and Enbridge do not consider the cumulative impact of construction on the impacted floodplains.</p>

<sup>42</sup> DCDD at 54.

<sup>43</sup> *Id.* at 15.

<sup>44</sup> *Id.* at 82.

## IV) Community Development

WCMP Enforceable Policy	Consistency Concern
<p><b>4.4)</b> It is the public policy and in the public interest of the state to engage in a comprehensive program of historic preservation to promote the use and conservation of such property representative of both the rural and urban heritage of the state for education, inspiration, pleasure and enrichment of citizens.</p>	<p>The Potato River is a Bad River tributary. The Potato River crossing is eligible for listing in the National Register of Historic Places and will be affected by construction. The construction plans do not specify the extent of aesthetic impact Line 5 construction will have on the Potato River crossing. Plans also fail to address the impact of an oil spill affecting the Potato River.</p>  <p style="text-align: center;"><i>Image 8: Potato River</i> (Source: Travel Wisconsin)</p>
<p><b>4.6)</b> The State Historical Society shall review and comment upon the actions of any state agency or political subdivision that may have an adverse effect upon historic properties, and ameliorate the adverse effects.</p>	<p>The State Historical society has not reviewed or commented upon the potential effects of the Line 5 Reroute.</p>
<p><b>4.7)</b> State aesthetic resources shall be protected and enhanced through the regulation of billboards, the screening of junkyards, the purchase of scenic easements, the development of parkways, and the establishment and operation of a Rustic Roads program.</p>	<p>There will be a 30ft wide corridor remaining over the centerline of the HDD. There will also be dredging and discharge impacts on wetlands, as well as permanently cleared forests.<sup>45</sup></p> <p>Aesthetics will be especially impacted on the eastern portion of the route.<sup>46</sup></p> <p>Only 8.7% of the project is collocated with other infrastructure.<sup>47</sup></p> <p>Enbridge and the Corps fail to identify the impacts of an oil spill on aesthetic resources.</p>
<p><b>4.8.1)</b> Public access facilities shall allow for public rights of navigation, related incidental uses and other uses which are appropriate for the waterway. Waterway uses shall be equally available to all waterway users and</p>	<p>Construction of the Line 5 Reroute will temporarily obstruct navigable waters.<sup>48</sup> An oil spill impacting the White River could severely limit public rights of navigation.</p>

<sup>45</sup> *Id.* at 11.

<sup>46</sup> *Id.* at 63.

<sup>47</sup> *Id.* at 72.

<sup>48</sup> *Id.* at 11, 49.

include enjoyment of natural scenic beauty and serenity. These public rights and uses may be provided by any combination of publicly and privately owned access facilities which are available to the general public free or for a reasonable fee. The Wisconsin department of natural resources shall exercise its management and regulatory responsibilities to achieve this goal and to assure that levels and types of use of navigable waters are consistent with protection of public health, safety and welfare, including protection of natural resources.	
<b>4.11)</b> Unless an individual or a general permit has been issued or authorization has been granted by the legislature, no person may deposit any material or place any structure upon the bed of any navigable water where no bulkhead line has been established or beyond a lawfully established bulkhead line. Exemptions from permit requirements for the placement of a structure or the deposit of material only apply where the structure or material is located in an area other than an area of special natural resource interest and does not interfere with the riparian rights of any other riparian owners.	There will be 72 crossings of navigable water that the Corp regulates as well as 191 bridge crossings not regulated by the Corp. <sup>49</sup>  It's unclear whether the plan will comply with Wis. Stat. § 30.10.
<b>4.11.2)</b> Unless a contract has been entered into with the Wisconsin department of natural resources or authorization has been granted by the legislature, no person may remove any material from the bed of a natural navigable lake or from the bed of any outlying waters. Unless an individual or a general permit has been issued by the department or authorization has been granted by the legislature, no person may remove any materials from the bed of any lake or any navigable stream.	Enbridge will excavate some bed materials during open cut pipeline installation; 72 waterways will be excavated. Enbridge does not have a contract to do this. <sup>50</sup>  Enbridge and the Corps plan to restore stream beds and banks “as near as possible to preconstruction contours” but do not provide a clear standard or timeline for doing so. <sup>51</sup>

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<sup>49</sup> *Id.* at 14.

<sup>50</sup> *Id.* at 15.

<sup>51</sup> *Id.*

<p><b>4.11.5)</b> No owner of riparian land that abuts a navigable water may convey, by easement or similar conveyance, any riparian right in the land to another person, except for the right to cross the land in order to have access to the navigable water. This right to cross the land may not include the right to place any structure or material in the navigable water. This does not apply to riparian land located within the boundary of any hydroelectric project licensed or exempted by the federal government, if the conveyance is authorized under any license, rule or order issued by the federal agency having jurisdiction over the project.</p>	<p>Enbridge is negotiating with private landowners for easements; however, those owners do not have the right to convey riparian rights via easements. <i>See</i> Wis. Stat. § 30.133.</p>
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In addition to the substantive concerns about the Line 5 Reroute’s consistency with Wisconsin’s coastal policies, we are also concerned with WCMP’s process. First, WCMP initially tied its comment deadline to USACE’s deadline for comment on the DCDD. On July 26, USACE extended its deadline from August 4, 2024, to August 30, 2024 to allow the public sufficient time to review the lengthy DCDD, including several appendices that were updated during the ongoing comment period, as recently as July 12. WCMP declined to follow suit, leaving the public with limited time to review all documents in USACE’s record relevant to WCMP’s review. Second, WCMP’s notice for public comment notes public hearings have been held by Wisconsin DNR and USACE on the attributes of the Line 5 Reroute in their respective jurisdictions but says WCMP will not hold a separate public hearing on the consistency determination. This is unacceptable—only WCMP is responsible for determining the project’s consistency with state coastal policy and none of the previous hearings have been about that determination. WCMP should hold its own hearing so the public can provide input on *this* aspect of the Line 5 Reroute.

We ask that WCMP deny the request for concurrence that the federal permitting action is consistent with Wisconsin’s EPs. Alternatively, WCMP should decline to issue a concurrence determination and closely investigate how much the concerns raised above require denial, delay, or the submission of additional information from the applicant. We appreciate WCMP’s time and attention on this important matter.

Sincerely,

/s/ Emily Park

Emily Park, Co-Executive Director  
Stephanie Robinson, Co-Executive Director  
Britnie Remer, Fossil Fuel Resistance Organizer  
350 Wisconsin  
emily.park@350wisconsin.org  
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/s/ Brett Korte

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/s/ Rob Lee

Rob Lee, Staff Attorney  
Anyia Janssen, Staff Attorney for Native Nations Partnerships  
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/s/ Elizabeth Ward

Elizabeth Ward, Director  
Sierra Club Wisconsin Chapter  
754 Williamson Street  
Madison, WI 53703  
elizabeth.ward@sierraclub.org

# Federal Consistency Public Comment Form

8/15/2024 11:17:51 AM

## Introduction

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The Wisconsin Coastal Management Program (WCMP) is conducts federal consistency reviews to verify the activities considered under a permit will comply with state coastal policies. Open comment periods will last for at least 21 days. More information on projects with an open comment period may be found at <https://coastal.wisconsin.gov>.

Refer to the [WCMP federal consistency webpage](#).

Refer to the [state's specific coastal policies](#).

## Federal Consistency Public Comment Form

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**Select a project for comment::** Line 5

The Wisconsin Coastal Management Program (WCMP), State of Wisconsin, Department of Administration, has received correspondence from the United States Army Corps of Engineers, St. Paul District Division (Corps) and Enbridge Energy, Limited Partnership, on activities associated with the construction of the proposed Line 5 Wisconsin segment relocation project. The proposed activities are subject to review for consistency under the policies of the Wisconsin Coastal Management Program (WCMP).

Written comments will be accepted during the public hearing, from 12:00pm until 11:59 pm on August 15, 2024.

**Your Name or Organization:** International Union of Operating Engineers Local 139

*Please note that providing your name or organization is not necessary or required. The State of Wisconsin will not follow up.*

**Comments::** For all of the reasons set forth in my written comments filed with the Army Corps of Engineers (which are copied below), I respectfully request that the DOA Wisconsin Coastal Management Program complete its Federal Consistency Determination and issue its concurrence as soon as possible. I am the President and Business Manager of the International Union of Operating Engineers, Local 139. Established in 1902, the Operating Engineers Local 139 is a statewide trade union that primarily represents skilled operators of heavy construction equipment and mechanics who service the equipment. While the Operating Engineers Local 139 is headquartered in Pewaukee, the union maintains district offices in Madison, Appleton and Altoona, as well as a state-certified training school for Operating Engineers in Coloma. The Operating Engineers Local 139 has more than 11,500 active and retired members, with nearly 1,500 members living in the northern one third of Wisconsin, including in Ashland, Bayfield and Iron Counties. I appreciate the opportunity to comment on the Combined Decision Document Prepared for the

Enbridge Line 5 Wisconsin Segment Relocation Project (Decision Document). The Corps Should Continue to Resist Efforts to Exceed its Authority As an initial, overarching comment, I commend the U.S. Army Corps of Engineers (Corps) and its staff on the Decision Document. While some people will undoubtedly claim the Decision Document is fatally deficient as part of the overall anti-pipeline strategy, it is clear the Decision Document is: 1) well-reasoned and thorough; 2) based on reliable information, statistics and scientific facts; and 3) confined to the appropriate legal standards. I also appreciate that the Corps stayed within its jurisdictional authority. The Corps is reviewing a permit application under Section 404 (wetlands fill) and Section 10 (HDD crossing). As the notice for the comment period notes, "the Corps does not regulate the overall construction or operation of pipelines, nor does it regulate the siting of any type of pipeline, or any substance being transported within a pipeline." Many of the comments filed by those opposing the project ask (intentionally or inadvertently) the Corps to take action or make decisions that clearly exceed its jurisdictional authority. I urge you to continue to resist those efforts. The Corps Correctly Determined that there are Economically no Feasible Alternatives The Corps correctly determined "that there are no economically feasible transportation alternatives other than rerouting the existing pipeline outside of the boundaries of the Bad River Reservation." Decision Document, pp. 36-37. There is no existing pipeline infrastructure capable of transporting Line 5 volumes. Opponents may claim that Enbridge's Line 78 can be utilized, but there is no available pipeline capacity on Line 78. Moreover, no alternative pipelines extending from Superior can transport natural gas liquids (NGLs). The Corps correctly concluded that rail is "economically infeasible." Decision Document, p. 35. Line 5's origin and delivery points are not currently connected to a rail system, so new construction would be necessary, which would require extensive financial investment, require years to construct/permit and result in substantially more extensive and significant environmental impacts than the Line 5 Project. It would also take about 669 rail tank cars per day to transport Line 5's crude volume and 112 rail tank cars per day to transport Line 5's NGL volumes, increasing the likelihood of rail incidents, which occur more frequently on a per-mile basis than transport on pipelines. The Corps also correctly concluded that trucking "would not be reasonable or practicable due to cost, public traffic safety, and logistics." Decision Document, p. 36. Six thousand tanker trucks would be needed each day to maintain Line 5's current volume delivery – 3,000 trucks daily in each direction. This equates to over 100 trucks per hour on already-congested regional highways and interstates. These trucks would "overburden current public road capacity and increase GHG emissions." Decision Document, p. 36. Loading/unloading facilities would need to be constructed, and the cost of transportation would be hundreds of millions of dollars more per year. The Operating Engineers who live in the affected communities do not support such an increase in trucking. Moreover, given the current and projected future shortage of truck drivers, there is a serious question about the availability of a sufficient workforce to truck the Line 5 products. See Navigating the Lanes: Understanding the Truck Driver Shortage in the US, Truck Driving Rights (April 20, 2024), avail. here <https://bit.ly/Truckdrivershortage> The Corps Correctly Concluded that There Will Be only Minor Long-Term Impacts The Operating Engineers Local 139 members and their signatory contractors have worked on many Enbridge pipeline projects over the years. I am confident that the Operating Engineers Local 139 members and their signatory contractors can implement the construction and mitigation measures proposed by Enbridge for the Line 5 Project, resulting in very minor long-term effects from construction, which is consistent with the Corps' findings reported in the Decision Document. Decision Document, pp. 80 and 89-90. The Corps Correctly Concluded Public Interest Favors Granting a Permit for the Project The Corps correctly determined that the Line 5 Project is in the public interest because it meets public energy needs and any minor adverse effects from construction do not outweigh the overall benefits. Decision Document, pp. 88-89. While the economic benefits of the project are detailed in

the Decision Document in § 7.3, those findings should be restated or incorporated into the public interest discussion of the Decision Document. The regional economy will benefit from the Line 5 Project by employing 700 workers, with a labor income of \$27.5 million and a total economic output of \$71.5 million. The Line 5 Project is projected to generate more than \$2 million in sales tax revenues and more than \$2 million in incremental annual property taxes. The Corps Should Expediently Issue the Decision Document and Permit Finally, the Corps should know that the Operating Engineers Local 139 members—and I believe most Wisconsinites—consider Enbridge to be a good community member. They employ hundreds of our neighbors and friends, pay millions in taxes, and safely and efficiently transport the North American-sourced (and produced) products that are vitally important to the safety of our families and to the health of our economy. The Line 5 Project does not increase the use or capacity of crude oil or refined products. It simply replaces a portion of the existing pipeline at the request of a Sovereign Tribal Nation. The Corps should resist demands from opponents to consider alternatives other than routing alternatives (e.g., shutdown), which are outside the Corps' narrow legal authority. On behalf of myself and the 11,500 members of the Operating Engineers Local 139, we urge the Corps to finalize the Decision Document and issue any permit(s) required for the Line 5 Project as quickly as possible. There has been ample time for review and public input. Further extensions of time are unnecessary, and a delay could substantially and negatively impact the energy security and economy of Wisconsin and the surrounding Midwest states. Again, thank you for the opportunity to comment on the Decision Document for the Line 5 Project. Sincerely Yours, /s/ Terrance E. McGowan  
Terrance E. McGowan  
IUOE General Vice President Local 139 President/Business Manager

# Federal Consistency Public Comment Form

8/15/2024 8:10:54 PM

## Introduction

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Refer to the [state's specific coastal policies](#).

## Federal Consistency Public Comment Form

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**Select a project for comment::** Line 5

The Wisconsin Coastal Management Program (WCMP), State of Wisconsin, Department of Administration, has received correspondence from the United States Army Corps of Engineers, St. Paul District Division (Corps) and Enbridge Energy, Limited Partnership, on activities associated with the construction of the proposed Line 5 Wisconsin segment relocation project. The proposed activities are subject to review for consistency under the policies of the Wisconsin Coastal Management Program (WCMP).

Written comments will be accepted during the public hearing, from 12:00pm until 11:59 pm on August 15, 2024.

**Your Name or Organization:** Kent Miller - President/ Business Manager Wisconsin Laborers District Council

*Please note that providing your name or organization is not necessary or required. The State of Wisconsin will not follow up.*

**Comments::** On behalf of over 9,000 skilled working men and women of the Wisconsin Laborers' District Council, I am writing to convey our union's support for the Enbridge Line 5 relocation project in Northern Wisconsin, and respectfully ask the Wisconsin Department of Administration to issue its Federal Consistency Determination in regards to this project. This project will create 700 union construction jobs through a Project Labor Agreement with Wisconsin-based contractor Michels. These will be jobs with great wages as well as health and retirement benefits. The Wisconsin Laborers' District Council are engaged working with community-based organizations and other partners to work with historically underserved communities, and this project will invest significant resources to work with Native-owned business, including the training and hiring of tribal members to work on this project. The Wisconsin Laborers' District Council, and the other unions who will be working on this project, all have world-class skills and safety training that will help

ensure that this complicated project will be done safely while protecting Wisconsin's waterways and natural resources, while also guaranteeing that Northern Wisconsin has access to fuel to heat our homes and businesses. We appreciate the extensive Draft Environmental Assessment process that the U.S. Army Corps of Engineers has engaged with the public, but additional time for review is unnecessary, and we respectfully ask that the Enbridge Line 5 project moves forward.

# Federal Consistency Public Comment Form

8/15/2024 1:36:50 PM

## Introduction

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## Federal Consistency Public Comment Form

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**Select a project for comment::** Line 5

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Written comments will be accepted during the public hearing, from 12:00pm until 11:59 pm on August 15, 2024.

**Your Name or Organization:** IUOE 139

*Please note that providing your name or organization is not necessary or required. The State of Wisconsin will not follow up.*

**Comments::** I am pro line 5 as it will create hundreds of jobs for IOUE 139 and benefit local businesses as well

# Federal Consistency Public Comment Form

8/15/2024 10:55:07 PM

## Introduction

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## Federal Consistency Public Comment Form

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**Select a project for comment::** Line 5

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Written comments will be accepted during the public hearing, from 12:00pm until 11:59 pm on August 15, 2024.

**Your Name or Organization:** Vid Grande

*Please note that providing your name or organization is not necessary or required. The State of Wisconsin will not follow up.*

**Comments::** Thank you for the opportunity to weigh in on this issue. I am a chemist who has worked in the environmental field for most of 40 years in both private industry and with government agencies. I have been involved in a variety of efforts, ranging from remediation efforts of decades to more than century old hazardous waste in our waterways to monitoring of current air toxics. While doing so, I have learned that our civilization has a readily measurable impact from pole to pole, from the top of Mt. Everest to the bottom of the Marianas Trench. No where on the planet is truly untouched and the number of troubling consequences is increasing rapidly. Many of these consequences can not be attributed to any single cause or project, because each incremental step leading to the current state of the world has and continues to contribute to the overall situation. Even in the case where the relation between cause and effect seems obvious, the inherent and honest uncertainty associated with scientific processes is easily exploited to emphasize doubt and delay action. EIS reporting requirements for the purpose of obtaining

permits are insufficiently protective of fragile ecosystems. The standards that are built into process are do not accept that any disturbance in relatively pristine environments has unintended consequences, and do not sufficiently account for other factors already impacting the ecosystem. The idea that there may be a straw that could break the camel's back is not present, and there is no mechanism to adequately address this. The risk of accidental releases is also manipulated so they seem unlikely and therefore inconsequential. In fact, releases will happen. The only question is whether they will only affect a small area or be catastrophic. They pretend that even in the worst-case scenario, the effects can somehow be mitigated and the ecosystem restored with enough money and effort. The Great Lakes represent a priceless and irreplaceable resource vital for the well-being of the planet and they have already been subjected to repeated assaults of poisonous chemicals. Manufactured gas plants like the one in Ashland in the 1800's dumped their waste directly into the water and remained there until the last decade. There have been uncountable fuel oil and bilge water releases from shipping. Pesticides from the cotton-growing region in the southern states were transported by air and have accumulated in the fish. Air transport is also responsible for mercury and PCBs in the lake water and biota. Even though many of these chemicals are no longer in use, they are persistent and continue to circulate in the biota. Invasive species have played havoc with the food web within the lake, to the point that it takes much longer for fish to grow to the same size as they did decades ago. The mix of native species within the lake has changed beyond recognition over time, with many declining or disappearing entirely. Evaluating changes in arthropod populations is nearly impossible, since no one thought to ask early enough to have reliable pre-impact records of species and distributions. The permitting process does not allow asking the question of whether the local ecosystem is at a tipping point, and the tools to be able to evaluate if this is the case do not really exist. We won't know until we try it. Of course, by then it's too late. We can do a pretty good job of fixing or replacing something human built, but it is hard to imagine reconstructing an entire ecosystem when we don't even know what all the different pieces of it are before it's gone. Most remediation efforts end up with something park-like that in the best case looks nice, but complete restoration of ecosystem function is a different matter. I am hoping that your oversight can allow you to ask the question and to weigh the matter of potential tipping points into your decision making process. As a former regulatory agency employee, I have observed that the character of agencies charged with the protection of the environment and regulation of industrial activity are heavily skewed in favor of the industrial activity. Wisconsin DNR, formerly a world class science based regulatory agency actively working to protect the environment, underwent a sea-change in attitude in the past decade. Management philosophy shifted from being a "regulatory agency for which permits were one of their tools", to being a "permitting agency". The (recently appointed from a polluting industry) senior management representative I had this discussion with was unable to see the difference. Over the course of the remainder of the time I worked with the agency, I saw this type of attitude spread throughout the workforce. Because of this and the previously mentioned factors, you will most likely see permits approved for this project. I hope you are allowed to do more than check the appropriate boxes on your forms and put the rubber stamp into play. I hope you are allowed to "preserve, protect, develop and where possible, to restore or enhance, the resources of Wisconsin's coastal area for this and succeeding generations". The pipeline is a decade older than the one which split in the Kalamazoo River in 2010 and more than a decade past its design life. Enbridge was informed by the Bad River Band that they were no longer welcome on that segment in 2013 and found in court to be trespassing several years ago. Michigan has informed them they are no longer welcome on that stretch. They have had plenty of time to examine alternatives and develop a true alternative plan to replace the pipeline in a manner that removes the risk from this watershed. The best solution for

the preservation of the Coastal Resources you are responsible for is to stop the oil flowing at all.  
Thank You for this opportunity,

# Federal Consistency Public Comment Form

8/15/2024 11:39:06 AM

## Introduction

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## Federal Consistency Public Comment Form

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**Select a project for comment::** Line 5

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Written comments will be accepted during the public hearing, from 12:00pm until 11:59 pm on August 15, 2024.

**Your Name or Organization:** Joan Elias

*Please note that providing your name or organization is not necessary or required. The State of Wisconsin will not follow up.*

**Comments::** Gentlefolk, Thank you for this opportunity to comment on the Wisconsin Coastal Management Program's (WCMP) consistency review for the Enbridge Line 5 reroute project. I commend you for hosting a public comment period, but am dismayed at the short notice time. I am a retired ecologist who has lived in my current location in Iron County for 34 years. During my time here I conducted extensive ecological work throughout Wisconsin's Lake Superior basin and have an intimate knowledge of the flora, fauna, and ecological communities and processes. I have been following Enbridge's proposal to reroute and expand Line 5 for at least five years. I have read the Wisconsin Department of Natural Resources' (WDNR) draft Environmental Impact Statement (DEIS) and the US Army Corps of Engineers' (ACE) draft Combined Decision Document (DCDD) carefully. In no way does the proposed Line 5 project fit within WCMP's consistency guidelines. The proposed Line 5 lies entirely within the Bad River Watershed, crossing nearly 200 streams and wetlands. The construction, maintenance, and operation of the pipeline would jeopardize every downstream

waterbody within the watershed. In addition to the many negative environmental impacts, the pipeline would also jeopardize public safety and the capacity for emergency response. The Bad River Band has requested that Line 5 be located outside of the Bad River Watershed or decommissioned. Any proposal to relocate Line 5 within the Watershed disregards the Band's sovereignty and Treaty rights. The Bad River Watershed and nearby region have been recognized for their particularly valuable resources, such as a self-sustaining lake sturgeon population, Copper Falls State Park, the Tyler Forks Community Forest, many streams and rivers with Outstanding or Exceptional Resource Waters designation pursuant to sec 281.15, Wis Stats and NR 102.10-11, numerous artesian springs, three state-recognized Important Bird Areas, numerous cold water brook trout streams, and the Kakagon Sloughs - the "Everglades of the North" which were designated as a Ramsar Wetland of International Importance in 2012 and a National Natural Landmark in 1973. State and federal agencies, Tribes, non-profit organizations, academia, and local citizens have collaborated for decades to restore wetlands, control invasive species, and improve fish passage in the Bad River Watershed. Construction of a pipeline along the route proposed would be counter to all the time, money, and effort dedicated to protecting and restoring this watershed. WCMP consistency guidelines mention protecting fish and wildlife and maintaining water quality. The Line 5 project, in crossing nearly 200 waterbodies, directly threatens water quality, fish, and other aquatic organisms. The extreme storms and flooding the Ashland and Iron counties experienced in 2016 and 2018 demonstrated the fragility and vulnerability of the ravines and stream crossings throughout the watershed. Erosion along the Bad River has resulted in the existing pipeline becoming dangerously close to exposure. Had the Line 5 reroute been under construction during one of those storms, damage to downstream aquatic ecosystems would have been even worse than it was. If the rerouted pipeline had been in operation during one of those storms, the chances of exposure and damage to the pipe itself would have been multiplied many times over what it was. WCMP consistency guidelines promote groundwater protection, yet during the Line 3 construction in Minnesota Enbridge breached aquifers and spilled drilling fluids and failed to report them in a timely manner. Instead citizens reported the mishaps and Enbridge was fined by the Minnesota DNR and Pollution Control Agency. Enbridge has failed to demonstrate they can construct a pipeline without endangering the groundwater and surface waters in an area with complicated geology and soils such as that along the proposed reroute. The ACE's DCDD, much of which was clearly written by Enbridge, is full of imprecise language such as "temporary" or "minor" impacts, "short term", "relatively brief", and "near as practicable". These terms are not defined, which precludes the public, and more importantly WCMP, from assessing impacts. Enbridge attempts to reassure the public and permitting authorities that adverse impacts will be minimized or prevented through "monitoring" and "sampling". Monitoring and sampling collect data, they do not prevent damaging impacts nor do they ensure restoration. ACE seems to accept Enbridge's assurances of environmental protection through monitoring and sampling, as in the DCDD they determined effects to be minor and temporary. No details were provided to explain actions to be taken should monitoring and sampling indicate adverse impacts or lack of adequate restoration. Analysis of impacts to wetlands is confined to the pipeline corridor and workspace in the DCDD. Similarly for post-construction and post-restoration monitoring. This is a failure to acknowledge impacts occurring through each entire wetland due to disruption of hydrology, spread of invasive species, habitat fragmentation, and wetland function. Wetland mitigation is proposed to occur at the HUC 8 level. Mitigation should occur at the HUC 12 level, at least. Given the extent of damage from extreme storms in recent years, the Bad River Watershed needs every wetland for flood attenuation. I am watching the clock as I write these comments and see that I am almost out of time (the public comment website indicated the written comment form will be accepted between 11:00 and 11:59). I will close by emphasizing the Line 5 project proposal is incomplete and lacking

in detail. The proposed reroute is a terrible location for a pipeline. The threats of the Line 5 reroute and expansion to the surface- and groundwater of the Bad River Watershed are too great to risk. The project is inconsistent with WCMP's consistency guidelines and efforts to protect the Lake Superior basin. Thank you.

# Federal Consistency Public Comment Form

8/15/2024 9:56:18 PM

## Introduction

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## Federal Consistency Public Comment Form

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**Select a project for comment::** Line 5

The Wisconsin Coastal Management Program (WCMP), State of Wisconsin, Department of Administration, has received correspondence from the United States Army Corps of Engineers, St. Paul District Division (Corps) and Enbridge Energy, Limited Partnership, on activities associated with the construction of the proposed Line 5 Wisconsin segment relocation project. The proposed activities are subject to review for consistency under the policies of the Wisconsin Coastal Management Program (WCMP).

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**Your Name or Organization:** Sondra Olson

*Please note that providing your name or organization is not necessary or required. The State of Wisconsin will not follow up.*

**Comments::** Thank you for this opportunity to speak. I am a grandmother who is speaking for our future generations. Most of us want the very best health, water, food & recreational environment for ourselves & in the future for our children, grandchildren & 7 generations to come after us. We are setting priorities for their future now. Decisions made today will impact the well-being of our loved ones and we need to be mindful of now. Enbridge & other companies come into an area for a short, intense work time. Then they leave again. I do not believe 700 short-term jobs override the health of our people & environment. Let job seekers be trained with green jobs which are more popular with communities than fossil fuels which are on track to fade out anyway & always carry great risk to those communities. Once toxins & contaminants get into our water, soil, food systems, wild rice & medicinal herbs, by poisoned water & soil, it is our grandchildren & great-grandchildren that have to live with that. All of us who know how precious & worthy it is to protect clean water & a clean environment know shutting this pipeline down is the right thing to do. The pipeline under

Lake Superior must be stopped! This is a very serious threat to our beautiful coastlands & water. The environmental health of the region must come first to support the people who live here & for all the healthy generations to come. If any unforeseen accident or rupture occurs, this will be our future generations who have this burden that we left for them with, by making a short-sighted decision. Please make your decision on respecting the tribes & the protection of the sacred rice. Anything less is disrespectful & a power-grab based on short-term economic gains alone. Bad River Band's traditional practices must be honored. Protecting & cleaning up our environment & prioritizing good health today pays off. Our whole planet is in the process of converting to cleaner & greener energy. This is the way of the future that we must support. What is profitable today, maybe obsolete tomorrow. All of us who care about our children & 7 generations to come & who want to protect our environment do not want this pipeline.

# Federal Consistency Public Comment Form

8/15/2024 1:34:27 PM

## Introduction

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## Federal Consistency Public Comment Form

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**Select a project for comment::** Line 5

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**Your Name or Organization:** WI Carpenters Union

*Please note that providing your name or organization is not necessary or required. The State of Wisconsin will not follow up.*

**Comments::** On behalf of the North Central States Regional Council of Carpenters (NCSRCC) I write to urge you to issue the necessary permits for the Line 5 Wisconsin Segment Relocation Project. The NCSRCC represents 36 local unions in Wisconsin, Iowa, Minnesota, Nebraska, North Dakota and South Dakota. Our nearly 27,000 members include carpenters, floor coverers, lathers, millwrights, pile drivers and industrial workers. As a union, we are dedicated to protecting and elevating the economic and social condition of all workers. We partner with contractors to provide our industry with the best trained, most productive and safest workforce available. The superior productivity and skills our members bring to the jobsite reward them with pay and benefits that allow them to provide a better life for themselves, their families and communities. Our union, and our members, also take very seriously our commitment to protecting the environment. Not only because we care about the world we leave behind for future generations, but because many of our members hunt, fish, camp and hike in our state's forests, lakes and rivers. That is why, despite not

being directly involved in the Line 5 relocation project's construction, we view the project not only as a jobs creator and an energy provider, but we also care how it will be built and operated. The NCSRCC has reviewed the proposed relocation project plans, and we are confident Enbridge has proposed a route, construction methods, and post-construction operation monitoring that will ensure the Line 5 relocation is completed safely, with as little environmental impact as possible, and be able to operate for years to come in a safe manner. Sincerely, Andrew Disch

# Federal Consistency Public Comment Form

8/15/2024 3:40:16 PM

## Introduction

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## Federal Consistency Public Comment Form

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**Select a project for comment::** Line 5

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**Your Name or Organization:** Julia Nerbonne

*Please note that providing your name or organization is not necessary or required. The State of Wisconsin will not follow up.*

**Comments::** Hello I am a property owner in Iron River Wisconsin, and a full time resident of Minnesota. I am profoundly concerned about the reroute of Enbridge Line 5. Between 2020 and 2023 I watched as Enbridge failed to safely or transparently construct the Line 3 Pipeline. The Minnesota Pollution Control Agency released data in 2022 showing that this company has been complicit 28 unique spill incidents – each one a unique example of how they violated constructions permits. In addition to these spills; 12 of 21, or 63%, of the horizontal directional drilling crossings were polluted with drilling fluid; and 80%, or 12 of 15 of the rivers being crossed with this method were impacted. ( <https://www.mepartnership.org/line3/aquifer-breach/>) They were so sloppy with their construction that they reportedly breached 5 separate aquifers during the course of the construction process. Here is just one example: On January 21, 2021, Enbridge sunk pilings of 18 rather than the permitted 8 feet, breaching an artesian aquifer near Clearbrook, Minnesota leading to uncontrolled water flow out of the aquifer. Despite the fact that water was continuing to escape

the aquifer, Enbridge failed to report this to state regulators until June, and the public was not informed until September (9 months after it happened). Enbridge opted instead to continue construction of the pipeline, leaving the water to flow uncontrolled for more than a year. This company does not have the best interest of the people of Wisconsin or Bad River band. As a society we need to leave the tar sands oil in the ground and we need to protect the ecosystems, the people and the water. Please deny the permit. Sincerely, Julia Nerbonne Iron River Wisconsin and Minneapolis Minnesota

# Federal Consistency Public Comment Form

8/15/2024 11:13:30 AM

## Introduction

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## Federal Consistency Public Comment Form

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**Select a project for comment::** Line 5

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**Your Name or Organization:** Construction Business Group

*Please note that providing your name or organization is not necessary or required. The State of Wisconsin will not follow up.*

**Comments::** For all of the reasons set forth in my written comments filed with the Army Corps of Engineers (which are copied below), I respectfully request that the DOA Wisconsin Coastal Management Program complete its Federal Consistency Determination and issue its concurrence as soon as possible. Construction Business Group ("CBG") is a trade association dedicated to enhancing business opportunities and quality of life by ensuring fairness, equity, and standards of excellence in the construction industry of Wisconsin. CBG protects the interests of 21,000 tradesmen and tradeswomen and 3,500 union contractors. CBG has reviewed the Combined Decision Document Prepared for the Enbridge Line 5 Wisconsin Segment Relocation Project ("Draft EA") and appreciates the opportunity to submit comments to the U.S. Army Corps of Engineers ("USACE"). A. The Draft EA Appropriately Identifies the Project Purpose and Need. Line 5 provides transportation services for the energy products of numerous shippers and consumers throughout the region, including in Canada. Line 5 transports approximately 540,000 barrels per day of

petroleum products, including 460,000 barrels per day of crude oil and 80,000 barrels per day of natural gas liquids ("NGLs") from Superior, Wisconsin, to Sarnia, Ontario. The USACE correctly found that the "purpose and need" for the project is "to transport crude oil and NGLs entirely outside the Bad River Reservation at approximately the same capacities provided by Enbridge's existing Line 5 pipeline." Draft EA, p. 25. Only a relocation of the pipeline will allow Line 5 products to continue to be received by those in need of them. The purpose and need of the Line 5 Project are not to pursue non-Line 5 or other energy alternatives that are outside the control of Enbridge and USACE. The USACE should not change the purpose and need determination, as reflected in the Draft EA, in its final decision.

B. The Draft EA Fully Assesses a Reasonable Range of Alternatives Consistent with the Project's Purpose and Need. The USACE is only required to analyze alternatives that concern continued operation of Line 5 outside of Tribal Lands. The Draft EA thoroughly analyzes alternative routings for the Line 5 Project. Draft EA, pp. 37-46. No other alternatives are required to be analyzed beyond the routing alternatives presented in the Draft EA. Nonetheless, the USACE also considered rail and trucking, both of which were correctly determined to be not reasonable, practical or economically feasible. Draft EA, pp. 35-37. A Line 5 shutdown is not an action alternative that should be, or needs to be, considered by USACE. A Line 5 shutdown does not meet the stated purpose and need because it calls for an action beyond USACE's control – USACE's jurisdiction is limited by law to permitting activities in federally-regulated waters and wetlands and does not extend to the closure of Line 5. As the USACE correctly notes in the Draft EA, the agency "has no authority to determine the fate of the existing pipeline within the Bad River Reservation." Draft EA, p. 31.

C. An EIS is not Required. The USACE correctly concluded that, under the National Environmental Policy Act ("NEPA"), the Line 5 Project is properly evaluated with an EA, and not an EIS. EAs have been prepared "for similar and more extensive impacts" for other pipeline constructions. Draft EA, p. 22. "EAs are typically prepared when the effects of the federal action on the human environment are not likely to be significant or are unknown." Draft EA, p. 22. As the Draft EA makes clear, impacts are not likely to be significant given that the Line 5 Project will result in permanent discharge of fill material into only 998 square feet (0.02 acres) of wetlands and temporary discharges of dredged or fill material into 101.1 acres of wetlands and 0.20 acres of non-wetland waters. It will also result in only temporary and localized disturbance at stream crossings during construction, with the waters returning to pre-construction conditions following construction and restoration. The impacts resulting from pipeline construction are well understood and documented. The USACE has permitted numerous similar projects throughout the country that have not resulted in significant impacts. There is no data or evidence to suggest that the impacts are significant and warrant an EIS. Any significant impacts that may be identified by commenters are purely theoretical, speculative, and not supported by credible, reliable evidence. The USACE should accordingly conclude that an EA is all that is needed to satisfy NEPA for the Line 5 Project.

D. There are No Connected Actions to the Relocation Project. The USACE correctly found that the Tunnel Project (occurring hundreds of miles away in Michigan) and the Line 5 Project are not connected actions that need to be assessed in the same NEPA document. As the USACE correctly concluded, "neither action would automatically trigger the other; issuance of a permit for one project would not cause or require the applicant to undertake the other; and neither project requires the other to occur simultaneously or in advance to proceed." Draft EA, p. 21. The USACE also correctly concluded that each project serves different purposes: the Line 5 Project is to reroute Line 5 around the Bad River Reservation and the Tunnel Project is to effectuate agreements between the State of Michigan and Enbridge to replace the existing pipelines on the lakebed. "These projects are not proposed as a coordinated effort to upgrade or expand the entire Line 5 pipeline." Draft EA, p. 21. Just because both projects pertain to Line 5, albeit vastly different segments, does not mean that they are connected for purposes of USACE's NEPA analysis. The

Draft EA correctly considers only the effects of the Line 5 Project and not the Tunnel Project. E. The USACE Should Issue a Finding of No Significant Impact and Final Permit. The above comments highlight some of the significant legal issues that are likely to be raised by commentators opposing the Line 5 Project. The Draft EA, as a whole, demonstrates that the Line 5 Project meets all legal requirements for issuance of a permit by the USACE. Construction Business Group respectfully requests that a finding of no significant impact and finally, a permit be issued as soon as possible. The year-long agency review and multiple public comment periods should come to a close as soon as possible. Again, thank you for the opportunity to comment on the Draft EA on Enbridge's Line 5 Project. Sincerely yours, /s/ Robb Kahl Robb Kahl Executive Director

# Federal Consistency Public Comment Form

8/15/2024 3:45:01 PM

## Introduction

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## Federal Consistency Public Comment Form

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**Select a project for comment::** Line 5

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**Your Name or Organization:** Scott Russell

*Please note that providing your name or organization is not necessary or required. The State of Wisconsin will not follow up.*

**Comments::** I was very active in opposing Enbridge Line 3 in Minnesota. The purpose of my comments is to bring forward the warning signs for Enbridge Line 5. Line 3 and the Line 5 reroute have a lot in common. Line 3 had a significant reroute, too, opening a pipeline corridor in areas where a pipeline corridor had not existed before. Both pipelines cut through a lot of water and wetlands. The environmental damage that occurred during Line 3 construction went well beyond what was anticipated. You should be concerned that Line 5 construction will result in much more environmental damage than anticipated, too. Past behavior is a good predictor of future actions. Enbridge's track record and pattern of deception should weigh heavily against this project. Enbridge has not shown itself to be a trusted partner. One red flag is that Line 3 permits did not protect the environment. For instance, Line 3 construction breached at least four artesian aquifers, releasing hundreds of millions of gallons of groundwater. Enbridge's first-known artesian aquifer breach occurred Jan. 21, 2021, less than two months into construction. It occurred in Clearbrook

near Enbridge's tank farm, in what is 1855 Treaty Territory. Red flag: It was not "repaired" for a year, and using the word "repair" is a euphemism. The fix involved injected 547,692 gallons of grout (think cement) underground to try to stem the artesian flow. That's enough to build an underground grout wall two-feet thick, 20-feet tall, and more than a third of a mile long. That is a plug, not a repair. Enbridge's "repair" has forever changed this area's hydrology. Red flag: Enbridge did not stop work to figure out how to prevent further aquifer breaches. In fact, it did not even report the breach to the state as its permit required. Red flag: The Clearbrook breach occurred because workers did not follow plans that Enbridge submitted to the state, according to a Sept. 16, 2021 media statement from the Minnesota Department of Natural Resources (DNR). Enbridge's plans called for the use of traditional trench construction methods at a depth of 8-10 feet, the statement said. Instead, workers constructed the trench approximately 18 feet deep and pounded sheet pilings 28 feet into the ground, as a barrier to groundwater flow into the trench. The sheet pilings punctured the artesian aquifer cap. Red flag: Enbridge's permit required it to report such permit violations immediately. The DNR would not learn about it for 140 days. Even then, it was not Enbridge that made the report. The DNR learned about it through conversations with Independent Environmental Monitors. In a media statement, DNR Commissioner Sarah Strommen said: Enbridge's actions "are clear violations of state law and also of public trust. This never should have happened." Line 3 workers would not have deviated that far from plan on their own. The public still does not know who made the call to change the plans and why. The public still deserves an answer. The fine and "repair" were not significant for a company the size of Enbridge. These pipeline companies seem too big to regulate. Michigan had its own trust problems with Enbridge. In 2017, Michigan regulators learned that Enbridge had withheld information for three years regarding damage to a high-risk stretch of Enbridge's Line 5 that runs along the floor of the Straits of Mackinac in the Great Lakes. The director of Michigan's Energy Agency was quoted at the time saying: "right now any trust we had in Enbridge has been seriously eroded." Some further context: Enbridge had two major pipeline spills in 2010, one in Michigan and one in Illinois. In response, the federal government negotiated a Consent Decree with Enbridge, requiring it to take specific steps to improve pipeline safety. It was signed May 23, 2017. Two years later, the U.S. Environmental Protection Agency (EPA) and a third-party monitor "concluded that six inspections conducted last year did not meet the time frame under the settlement," the CBC reported. Enbridge did not take responsibility, "saying there was an honest dispute over when the clock had started." Still, Enbridge paid a \$1.8 million fine. In 2020, the EPA fined Enbridge \$6.7 million for violating the Consent Decree, "saying the company failed to remedy pipeline-safety issues in a timely manner," the Star Tribune reported. Among other things, the EPA noted that "Enbridge neglected to properly evaluate thousands of 'shallow dents' on its Lakehead Pipeline System, which runs across northern Minnesota and through northwestern Wisconsin." "Just over \$3 million of the \$6.7 million in fines involved Enbridge's failure to repair or mitigate small dents that showed indications of 'metal loss' and 'cracking,'" the EPA letter said. Again, Enbridge did not take responsibility. A company spokesman "disagreed over the nature of the small dents." The company downplayed the fine, saying most of it was from administrative issues. The Consent Decree also required Enbridge to apply to the state of Minnesota to replace its old and failing Line 3 pipeline. The Decree required Enbridge to provide Minnesota regulators "with complete and adequate information" for permit reviews "as expeditiously as practical..." Red flag: Administrative Law Judge (ALJ) Ann O'Reilly evaluated Enbridge's Line 3 proposal on behalf of the PUC. In her final report, she wrote that Enbridge's analysis of the pipeline's water impacts was neither "credible" nor "persuasive". The DNR wrote Enbridge's Environmental Protection Plan "is too general to be relied upon ..." Enbridge had the financial wherewithal and expertise to provide complete and adequate information in a timely manner. It only provided the needed information when compelled to do so. Red flag: More

concerning are Enbridge's efforts to duck liability for a major spill cleanup. During the Line 3 debate, Minnesota Department of Commerce's Deputy Commissioner Bill Grant shared a lesson with the PUC that the department learned from Enbridge's earlier Sandpiper Pipeline proposal (which never got built). Only later did the state understand that Enbridge's proposed language assigned liability to a subsidiary that lacked the funds to pay for a cleanup. This problem is not unique to Minnesota. Former Michigan Gov. Rick Snyder's administration negotiated an easement with Enbridge to continue operating Line 5 through the Great Lakes. In the agreement, Enbridge said it would ensure covering up to \$1.878 billion in clean-up costs. Line 3 debates in Minnesota prompted Michigan leaders to review the Snyder administration's easement deal with Enbridge. It commissioned a study: *An Analysis of The Enbridge Financial Assurances Offered to the State of Michigan*, which was released Oct. 29, 2019. It looked at the costs of cleaning up an oil spill in the Great Lakes. Estimates ranged from \$300 million (Enbridge) to \$45 billion (Michigan State University study). Independent Risk Analysis estimated the cost at \$1.878 billion, and the report said that was "on the low end of the possible range" of damages. The study found that Enbridge Inc. had 275 subsidiaries. It concluded that Enbridge's corporate structure would leave Michigan with financial liability in the case of a major spill in the Straits of Mackinac — unless Enbridge Inc. provided "a voluntary financial bailout." Michigan Attorney General Dana Nessel called Enbridge's efforts to avoid liability "the 'most chilling finding of the report,'" according to an MLive story. Further, "Enbridge Energy Partners L.P. seriously misrepresented its financial holdings when it made its deal with the Snyder Administration." I believe these are serious deceptions. They beg the question: Why would Minnesota, Michigan, or the federal government continue doing business with a company that cannot be trusted to be honest in its financial representations and also try to avoid responsibility for the damages it causes? Its track record should disqualify the company from doing new projects in the United States. Wisconsin's coastal areas, wildlife, trout streams, recreation, and groundwater are under threat if you approve this project. Thank you for your consideration.

# Federal Consistency Public Comment Form

8/15/2024 12:24:05 PM

## Introduction

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## Federal Consistency Public Comment Form

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**Select a project for comment::** Line 5

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**Your Name or Organization:** Maddie Loeffler

*Please note that providing your name or organization is not necessary or required. The State of Wisconsin will not follow up.*

**Comments::** The Line 5 reroute is inconsistent with Wisconsin's coastal management program. Enbridge does not have the required permits and has not provided enough information on the project's impacts. Because Enbridge has a poor safety record and a history of oil disasters, spills are foreseeable and threaten Wisconsin's coastal areas, wildlife, trout streams, recreation, and groundwater. Flooding is a serious threat during construction of the reroute and could be exacerbated by permanent changes to how water naturally moves along the corridor. The region has seen more intense and more frequent floods due to climate change, including two devastating, 500-year floods in the last decade.

# Federal Consistency Public Comment Form

8/15/2024 10:01:05 AM

## Introduction

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**Your Name or Organization:**

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**Comments::** Enbridge does not have the required permits and has not provided enough information on the project's impacts to determine consistency with the state's coastal policies; Because Enbridge has a poor safety record and a history of oil disasters, spills are foreseeable and threaten Wisconsin's coastal areas, wildlife, trout streams, recreation, and groundwater; Flooding is a serious threat during construction of the reroute and could be exacerbated by permanent changes to how water naturally moves along the corridor. The region has seen more intense and more frequent floods due to climate change, including two devastating, 500-year floods in the last decade; The public has not been given sufficient opportunity to voice comments and concerns. WCMP should not rely on the Army Corps process and needs to hold a separate public hearing specifically about Line 5's impacts to Wisconsin's coastal resources.

# Federal Consistency Public Comment Form

8/15/2024 10:03:58 PM

## Introduction

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**Your Name or Organization:** Sharon Valarie

*Please note that providing your name or organization is not necessary or required. The State of Wisconsin will not follow up.*

**Comments::** Deny all permits! It is irresponsible to allow so many water crossings, our Great Lakes are not worth the risk to allow such a heinous pipe to continue to operate let alone create more damage Enbridge is in violation of treaties, Enbridge is trespassing against federal ruling Enbridge cannot be trusted they violate their permits they do not report accidents they cannot be allowed to hold our fresh water hostage. This is the United States why would you side with a foreign corporation over our own precious irreplaceable resource

# Federal Consistency Public Comment Form

8/15/2024 12:42:18 PM

## Introduction

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**Your Name or Organization:** Leanna Goose

*Please note that providing your name or organization is not necessary or required. The State of Wisconsin will not follow up.*

**Comments::** Line 5 is a project that is not needed. In this current moment we do not need to add any fuel to the climate change crisis. Freshwater resources are something that must be protected at all costs as all living beings need clean water for their survival. Please do not allow the company Enbridge to violate Indigenous rights and the rights of all people to clean water. This is a 70-year-old pipeline that should not even be in operation, it is dangerous! Please reject the reroute and SHUT IT DOWN!

# Federal Consistency Public Comment Form

8/15/2024 12:09:10 PM

## Introduction

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**Your Name or Organization:** Wisconsin Sierra Club

*Please note that providing your name or organization is not necessary or required. The State of Wisconsin will not follow up.*

**Comments::** My name is Jean Brooks. I live in Fort Atkinson, Wisconsin. There are several reasons to shut down line 5, but a big point of concern is our changing climate. We have been told repeatedly that burning fossil fuels could lead to our destruction. Clearly, we need to find alternatives to fossil fuel, even if it means sacrificing some of our luxuries. We need leaders with the foresight to do this and not just babble.

# Federal Consistency Public Comment Form

8/15/2024 12:47:49 PM

## Introduction

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**Your Name or Organization:** Emma Needham

*Please note that providing your name or organization is not necessary or required. The State of Wisconsin will not follow up.*

**Comments::** I comment as an ally and relative to the land of Mni Sota Makoce, which expands beyond the boundaries of the state of Minnesota into Wisconsin, Michigan, and Canada. There was very little time to prepare to provide comments and schedule this meeting. This is an ongoing problem with the Army Corp of Engineers and other state and federal entities responsible for organizing these public comment hearings. I know this because I attended and commented in may meetings against Enbridge's Line 3 in Minnesota, where I reside. Enbridge's Line 5 project reroute is inconsistent with the state Coastal Management Policies to identify, protect and mitigate risks to groundwater, surface water, recreation, water quality and more. Enbridge does not have the required permits to complete this project and has a proven track record of massive environmental degradation and damage. Enbridge is responsible for the two largest inland oil spills in history in MN in 1991 and MI in 2010. Additionally, during the construction of their Line 3 in MN in 2021, they breached at least three aquifers due to their negligence in lack of understanding of groundwaters

and wetlands and violation of their permits not to drive sheet metal more than a few feet under the ground to stabilize the pipeline. As fellow guardians of the Great Lakes and the freshwater they hold, the state and the federal government must consider this negative track record and the massive environmental impacts of this project on the water supply of all people and animals dependent on the Great Lakes for food, water, recreation, and culture. The only way to ensure that the federal and state policies are upheld to protect these resources is to deny Enbridge the permit to complete the Line 5 Reroute project.

# Federal Consistency Public Comment Form

8/15/2024 12:23:52 PM

## Introduction

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The Wisconsin Coastal Management Program (WCMP) is conducts federal consistency reviews to verify the activities considered under a permit will comply with state coastal policies. Open comment periods will last for at least 21 days. More information on projects with an open comment period may be found at <https://coastal.wisconsin.gov>.

Refer to the [WCMP federal consistency webpage](#).

Refer to the [state's specific coastal policies](#).

## Federal Consistency Public Comment Form

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**Select a project for comment::** Line 5

The Wisconsin Coastal Management Program (WCMP), State of Wisconsin, Department of Administration, has received correspondence from the United States Army Corps of Engineers, St. Paul District Division (Corps) and Enbridge Energy, Limited Partnership, on activities associated with the construction of the proposed Line 5 Wisconsin segment relocation project. The proposed activities are subject to review for consistency under the policies of the Wisconsin Coastal Management Program (WCMP).

Written comments will be accepted during the public hearing, from 12:00pm until 11:59 pm on August 15, 2024.

**Your Name or Organization:** Stephanie Spehar

*Please note that providing your name or organization is not necessary or required. The State of Wisconsin will not follow up.*

**Comments::** I believe the WCMP should reject Enbridge's Line 5 reroute project. This project (and Line 5's continued operation) is a danger to coastal wetlands and the ecosystem services they provide in terms of protecting water quality, flood control, and harboring biodiversity, as well as other essential services for all WI residents. I also think that Enbridge has not provided enough information on the project's impacts to determine consistency with the state's coastal policies. Enbridge has a well-documented poor safety record and a history of oil spills and other disasters. Such disasters could be devastating to Wisconsin's coastal areas and other waterways and natural resources in the region. Finally, the proposed reroute would also exacerbate flooding concerns, in a region that is already seeing more intense and more frequent floods due to climate change, including two devastating, 500-year floods in the last decade. Thank you for your consideration.

# Federal Consistency Public Comment Form

8/15/2024 1:00:59 PM

## Introduction

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## Federal Consistency Public Comment Form

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**Select a project for comment::** Line 5

The Wisconsin Coastal Management Program (WCMP), State of Wisconsin, Department of Administration, has received correspondence from the United States Army Corps of Engineers, St. Paul District Division (Corps) and Enbridge Energy, Limited Partnership, on activities associated with the construction of the proposed Line 5 Wisconsin segment relocation project. The proposed activities are subject to review for consistency under the policies of the Wisconsin Coastal Management Program (WCMP).

Written comments will be accepted during the public hearing, from 12:00pm until 11:59 pm on August 15, 2024.

**Your Name or Organization:** Jill Ferguson

*Please note that providing your name or organization is not necessary or required. The State of Wisconsin will not follow up.*

**Comments::** Is it NOT in the best interest of WI & US citizens that WIDNR & USACE grant permits to Canadian Enbridge to ADD 41 new miles of pipeline to 71yo Line 5, considering; 1. The Great Lakes accounts for 90% of our nation's fresh water supply; Line 5 is rotting beneath it. 2. Line 5 projected lifespan in 1953 was 50 yr. 3. There is an imminent looming massive rupture about to occur at Bad River which will impact the Great Lakes. 4. Federal Judge Connelly ruled Enbridge has been illegally trespassing on tribal land for over a decade. 5. Truth be told, Wisconsin gets NONE of the oil — we are merely a shortcut from Canada back to Canada for Canada to export. We get 100% of the risk e.g. Enbridge caused the largest inland 'spill' in history - 1.2M gallons of oil dumped in the Kalamazoo River and 6. In WI they failed to report a 168,000 gal spill in Ft Atkinson for over a year and 7. Recently Enbridge completed Line 3 in Minnesota leaving irreparable ecological destruction in their wake. MN sued them \$11M for recklessness. 8. Michigan Gov Gretchen Whitmer issued a Notice of Termination and Revocation of the 1953 easement in Nov 2023 demanding Enbridge shut

down line 5. They refused by invoking a 1977 US-Canada Treaty stating they can come through the US unobstructed with the hydrocarbon of their choosing. 9. There are ongoing state and federal lawsuits involving Line 5. It's 21yrs past its safe serviceability and must be permanently shut down, not in the hands of the WI DNR + USACE to entertain approving an (insane) addition destroying more land and watersheds. 9. It's grossly unjust that the Bad River Band and the people of Michigan are forced to pay millions to fight this foreign corporation in the courts. 10. Both Enbridge and their contractor Michels Inc, have abysmal environment records, permit violations, and lawsuits. We enjoy 800 miles of Great Lakes coastline-why risk a non-renewable resource? Water Is Life is not a # it's a fact! END CANADA 1ST POLICIES!

# Federal Consistency Public Comment Form

8/15/2024 11:15:08 AM

## Introduction

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The Wisconsin Coastal Management Program (WCMP) is conducts federal consistency reviews to verify the activities considered under a permit will comply with state coastal policies. Open comment periods will last for at least 21 days. More information on projects with an open comment period may be found at <https://coastal.wisconsin.gov>.

Refer to the [WCMP federal consistency webpage](#).

Refer to the [state's specific coastal policies](#).

## Federal Consistency Public Comment Form

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**Select a project for comment::** Line 5

The Wisconsin Coastal Management Program (WCMP), State of Wisconsin, Department of Administration, has received correspondence from the United States Army Corps of Engineers, St. Paul District Division (Corps) and Enbridge Energy, Limited Partnership, on activities associated with the construction of the proposed Line 5 Wisconsin segment relocation project. The proposed activities are subject to review for consistency under the policies of the Wisconsin Coastal Management Program (WCMP).

Written comments will be accepted during the public hearing, from 12:00pm until 11:59 pm on August 15, 2024.

**Your Name or Organization:** Wisconsin Infrastructure Investment Now

*Please note that providing your name or organization is not necessary or required. The State of Wisconsin will not follow up.*

**Comments::** Comments on behalf of WIIN: For all of the reasons set forth in my written comments filed with the Army Corps of Engineers (which are copied below), I respectfully request that the DOA Wisconsin Coastal Management Program complete its Federal Consistency Determination and issue its concurrence as soon as possible. Wisconsin Infrastructure Investment Now, Inc. ("WIIN") is a nonprofit organization, and its mission is to educate the public, elected officials, and regulators on the societal and economic benefits of responsible investment in infrastructure projects. WIIN appreciates the opportunity to comment on the Combined Decision Document Prepared for the Enbridge Line 5 Wisconsin Segment Relocation Project ("CDD") and wishes to thank the U.S. Army Corps of Engineers ("COE") for the substantial time and effort it took to prepare the detailed analyses set forth in the CDD. 1. The CDD was Properly Limited to the Affected Waters of the U.S. The CDD scope is properly focused on waters subject to the COE's jurisdiction. The COE only has jurisdiction over the Line 5 Project to the extent it impacts federally regulated waters and wetlands

(i.e., waters of the U.S.) and neighboring uplands directly tied to those waters. Only 18% of the Line 5 Project is located within the COE's jurisdiction, which is comprised of 11% of the project area in jurisdictional waters and an additional 7% of the project area directly related to the jurisdictional waters. The COE properly concluded that it "does not regulate work in the uplands, which comprise[s] 82% of the [Line 5 Project] route." CDD, p. 14. Because the COE has no jurisdiction over the remainder of the Line 5 Project area, the CDD scope cannot legally extend more broadly to the entire 41-mile Line 5 Project. The COE should maintain the scope of the CDD in its final decision, despite what will likely be numerous demands to do so by those opposing the Line 5 Project.

2. The Record Fully Supports the Conclusion that Enbridge's Proposed Route is the Environmentally Preferred Route The CDD thoroughly analyzed how the proposed route has been designed to best avoid and mitigate impacts on sensitive resources. It also properly analyzed three route alternatives (RA-01, RA-02 and RA-03) and two additional variants of RA-01. The COE correctly concluded the RA-01 and its variants—which are likely to be supported by some commentors due to the shorter distance— "would result in greater impacts on aquatic resources," and would "not convey an environmental advantage." CDD, p. 40. Significantly, RA-1 (but not its variants) would also impact Copper Falls State Park. Id. The COE correctly concluded RA-02, which is a longer route, would affect 33.7 acres more of wetlands and cross 19 more perennial waterbodies than Enbridge's preferred route. This route would cause greater environmental disturbance. Similarly, the COE correctly concluded that RA-03, which is the longest route, would affect 319.7 acres more of wetlands and cross 21 more perennial waterbodies than Enbridge's preferred route. RA-03 would route the pipeline through other tribal watersheds, cross a national forest and other sensitive rivers and streams, and require additional pump stations.

3. The Line 5 Project Clearly Meets All Necessary Legal Standards for the Issuance of the Requested Permit The thorough analyses in the CDD demonstrate that the Line 5 Project meets all of the legal standards for the issuance of the requested permits. Without summarizing every finding, the following items are significant: a. The impact on water quality from the Line 5 Project will be "minor and temporary," CDD, p. 58; b. After extensive testing, it was determined that the Line 5 Project presents an unlikely risk to aquifers or private and municipal water supplies, CDD, pp. 70-71; c. The Line 5 Project would have only minor short-term effects on physical substrate, water circulation and fluctuation, suspended particulates and turbidity and aquatic ecosystems and organisms (including cumulative and secondary effects), CDD, pp. 74-75; d. Consistent with § 404(b)(2), the Line 5 Project will have no significant impact on human health or welfare, water supplies, wildlife and fish habitat, aquatic resources, ecosystem diversity, or recreational, aesthetic or economic values, CDD, p. 75; e. Wetland impacts from the Line 5 Project would be localized and minor, including permanent loss of only 0.02 acres of wetlands, permanent conversion of 33.92 acres of forested and scrub shrub wetlands into emergent wetlands, and temporary effects on only 101.1 acres of wetlands during construction, CDD, p. 80; f. "Overall, the proposed mitigation measures, restoration, and compensation" for the Line 5 Project will "have minor long-term effect on wetlands," CDD, p. 80. g. The Line 5 Project will "not have more than minimal detrimental effects on the public and private uses" of the project area, CDD, p. 89; h. Enbridge's proposed mitigation plan complies with Corps and EPA compensatory mitigation regulations, CDD, p. 90; i. The cumulative environmental impacts of the Line 5 Project are "less than significant," CDD, p. 98; j. The Line 5 Project will have "no adverse effect on historic properties," CDD, p. 101; and k. The Line 5 Project meets environmental justice standards set forth in Executive Order 12898, p. 132. The Corps has no jurisdiction to prohibit a construction project that meets the legal standards for the issuance of a permit. While the vocal opposition decries the environmental impacts of the Line 5 Project, the scientific data disproves their claims.

4. The COE Should Not Delay Finalizing the CDD and Issuing Permits State and federal agency reviews of the Line 5 Project have spanned many years. Given the relatively small size of the

project in relation to other pipeline projects, the extensive agency review and public comment opportunities have been generous, far exceeding what the law requires. While thorough analyses and public input are good and necessary, at some point extensions and delays cause harm. We are at that tipping point in the process for the Line 5 Project. The division between those who support and oppose the project continues to grow. However, the harsh reality is that fossil fuels are still needed for our everyday lives to function, and it is not realistic to shut down all pipelines. The products transported by Line 5 are necessary for Wisconsin homes and businesses. The Line 5 Project does not expand the use of fossil fuels. It simply reroutes a section of an existing pipeline off Tribal Land to respect the wishes of a Sovereign Nation. The CDD makes it abundantly clear that the Line 5 Project meets the legal standards for issuance of the requested permits from the COE. It is time to bring this matter to a close. Again, thank you for the opportunity to comment on the CDD for the Line 5 Project. Sincerely, /s/ Cynthia Buchko  
Cynthia Buchko General Counsel

# Federal Consistency Public Comment Form

8/15/2024 8:54:21 PM

## Introduction

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## Federal Consistency Public Comment Form

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**Select a project for comment::** Line 5

The Wisconsin Coastal Management Program (WCMP), State of Wisconsin, Department of Administration, has received correspondence from the United States Army Corps of Engineers, St. Paul District Division (Corps) and Enbridge Energy, Limited Partnership, on activities associated with the construction of the proposed Line 5 Wisconsin segment relocation project. The proposed activities are subject to review for consistency under the policies of the Wisconsin Coastal Management Program (WCMP).

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**Your Name or Organization:** Angela Weise

*Please note that providing your name or organization is not necessary or required. The State of Wisconsin will not follow up.*

**Comments::** The freshwater of the Great Lakes and it's coastlines are in imminent inevitable catastrophic danger by allowing this Canadian oil corporation to continue to run its oil through line 5 oil pipeline. The replacement project only promises further dangers and destructions. I've seen first hand enbridges wreckless hastiness and massive unnecessary destruction installing line 3 pipeline in northern Minnesota. They hired entire police forces in that area where innocent people in peaceful prayerful protest were brutally arrested and given bogus charges including Grandmother's. Please don't allow this in our/ your Great Lakes so prescious to so many. This is 90% of this nation's freshwater. We/you simply cannot risk this. This entire nation depends on this nonrenewable source of freshwater and your decision. Please don't jeopardize it. So many lives depend on it. Our Children,Your Children, their Children..all future generations depend on your decision. Please shut down line 5 in danger of rupture at anytime and don't allow this foreign oil corporation to pummel through WI/MI only to serve themselves and go right back into Canada for

export. There is no dollar amount that should suffice for this fast tracking decision. Check out their track record please. We cannot drink oil. We cannot eat money.

# Federal Consistency Public Comment Form

8/15/2024 6:46:05 PM

## Introduction

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## Federal Consistency Public Comment Form

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**Select a project for comment::** Line 5

The Wisconsin Coastal Management Program (WCMP), State of Wisconsin, Department of Administration, has received correspondence from the United States Army Corps of Engineers, St. Paul District Division (Corps) and Enbridge Energy, Limited Partnership, on activities associated with the construction of the proposed Line 5 Wisconsin segment relocation project. The proposed activities are subject to review for consistency under the policies of the Wisconsin Coastal Management Program (WCMP).

Written comments will be accepted during the public hearing, from 12:00pm until 11:59 pm on August 15, 2024.

**Your Name or Organization:** Sierra Club

*Please note that providing your name or organization is not necessary or required. The State of Wisconsin will not follow up.*

**Comments::** Enbridge does not have the proper permits and has a history of oil spills. Climate change could lead to impacts of flooding which could lead to devastating impacts in the construction process of new oil pipelines. Oil spills make me feel bad directly for the water, flora and fauna and tribal rights. It is a time when oil use needs to stop being used because of climate change immediately and clean, sustainable renewable energy needs to be the future now.

# Federal Consistency Public Comment Form

8/15/2024 8:54:47 PM

## Introduction

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## Federal Consistency Public Comment Form

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**Select a project for comment::** Line 5

The Wisconsin Coastal Management Program (WCMP), State of Wisconsin, Department of Administration, has received correspondence from the United States Army Corps of Engineers, St. Paul District Division (Corps) and Enbridge Energy, Limited Partnership, on activities associated with the construction of the proposed Line 5 Wisconsin segment relocation project. The proposed activities are subject to review for consistency under the policies of the Wisconsin Coastal Management Program (WCMP).

Written comments will be accepted during the public hearing, from 12:00pm until 11:59 pm on August 15, 2024.

**Your Name or Organization:**

*Please note that providing your name or organization is not necessary or required. The State of Wisconsin will not follow up.*

**Comments::** Thank you for the opportunity to submit comments regarding the Line 5 pipeline reroute project. I do not think Enbridge has provided enough information to determine consistency with the state of Wisconsin's coastal policies, but evidence from prior projects suggests that this project would be no different and should be found inconsistent with coastal policies. Enbridge has a terrible safety record and the threat of flooding with this project specifically is significantly high. Enbridge's various pipelines have been publicly acknowledged to have spilled at least 33 times since 1968 and have released well over 1.1 Million gallons of toxic oils into the environment. The horizontal drilling methods Enbridge and it's construction and engineering associates claim to be so safely done led to the puncturing of three aquifers spanning three counties in Minnesota during the recent Line 3 Pipeline construction. This caused nearly 300 Million gallons of groundwater to flow to the surface, incurring fines and a criminal charge for Enbridge. Fines are but a superficial slap on the wrist for criminal international conglomerates like Enbridge and will do nothing to

prevent the same from occurring here in Wisconsin. We shouldn't trust Enbridge and their associates' assurances that this project will be any safer than all the others in the past and should instead look to the vast amount of evidence suggesting otherwise. Spills are inevitable and completely foreseeable and threaten Wisconsin's coastal areas, wildlife, trout streams, recreation, groundwater, residents and the Tribal Sovereignty of Lake Superior Chippewa Tribes whose treaty rights and cultural continuity are at stake. Enbridge is already on criminal trespass on Bad River Band's reservation, who have been open to negotiating the shut down of this pipeline with Enbridge while the oil company instead pours massive funds and resources into PR campaigns supporting their reroute instead. The Line 5 Reroute would cross nearly 200 bodies of water and more than 100 acres of wetlands, putting some of Wisconsin's most treasured coastal natural areas, including the Kakagon-Bad-River-Sloughs—the largest wetland complex on Lake Superior and a RAMSAR Wetland of International Importance—and Lake Superior herself, at risk of the environmental degradation typical to pipeline projects. Flooding is a serious threat during construction of the reroute which would likely be increased by permanent changes to how water naturally flows along the corridor. These aren't temporary changes as Enbridge and associates suggest and evidence continues to suggest otherwise when we look to other existing pipelines they've already constructed. This region has seen more intense and more frequent flooding due to climate change, including two devastating 500-year floods in only the last ten years. Union and construction workers do work hard here in Wisconsin to provide for their families, but the oil industry doesn't provide the long term financial security that more sustainable, renewable energy projects will and we should instead look to invest in these more for the environment and the economy alike. Furthermore, this specific pipeline flows from Canada back into Canada for export elsewhere and does little for meeting the energy needs of Wisconsin to begin with. Let's instead focus on renewable sources that stay in Wisconsin and truly provide for the people while protecting our precious natural resources. The Army Corps needs to run a full Environmental Impact Study still also as the EA isn't sufficient to outline these and many other environmental and social impacts with this project. Besides the enormous detriment to the environment pipeline projects always pose, construction areas also increase instances of violent crimes specifically against Indigenous individuals in the areas they are being worked on. You can learn more about MMIW or MMIP, Missing and Murdered Indigenous People to gain a better understanding of this as it's most often those who protect the land and stand "in the way" of greedy conglomerates like Enbridge who pay such high prices for their resistance. This comment period was also rather short, abrupt and little notice was given or advertised to participate and it would be more equitable to the public if it were longer, more inclusive and advertised more widely. Please consider allowing the people a better chance to be heard on this. Ultimately this pipeline will degrade the shoreline and overall environment locally in Wisconsin which would have international repercussions on the climate and should be denied and shut down to protect our environment, the wildlife, the land, and the people. Thank you again for reading and accepting public commentary on this issue.

**From:** [Russ Bennett](#)  
**To:** [Angel, Kathleen - DOA](#)  
**Subject:** Line 5  
**Date:** Thursday, August 15, 2024 8:46:59 PM

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**CAUTION: This email originated from outside the organization.  
Do not click links or open attachments unless you recognize the sender and know the content is safe.**

I am sharing my comment that I do not feel that the line 5 permitting should be approved.  
Water is too precious a resource for this state; tourism in particular is a large part of the economy.  
thank you,  
Russ Bennett  
201 Bram St.  
Madison, WI 53713

**From:** [Yvonne Besyk](#)  
**To:** [michael.friif@wisconsin.gov](mailto:michael.friif@wisconsin.gov); [Angel, Kathleen - DOA](#)  
**Subject:** written comments Line 5 Coastal Management Program  
**Date:** Thursday, August 15, 2024 4:33:00 PM

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**CAUTION: This email originated from outside the organization.  
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Hello Michael,

Thanks for the help getting written comment submitted when I was not able to submit them through the online form. Much appreciated. Is it possible to confirm the below comments were counted?

Written Comment:

Though the time to review materials was short, I reviewed the Coastal Management Strategic Vision for the Great Lakes and the document titled **Attachment C: Specific State Coastal Policies**.

I believe the Line 5 proposed reroute project is not consistent with the Coast Management Policy for the following reasons. Note: I have used some direct quotes from the documents:

1.1 to 1.4 and 1.10 of State Coastal policies and page 36 of Strategic Vision - The elimination of the discharge of pollutants to water is the long range goal of the state. It is unclear to me how the Line 5 reroute could be considered as contributing to that goal. Same with protection of fish wildlife, maintenance of water quality discharge of effluents and toxic pollutants. Enbridge's safety record is so poor it should be considered a direct threat to those goals. Most specifically 1.3.1 that cites oil as a defined pollutant.

- Line 5 has spilled at least 33 times totaling 1.1 million gallons of oil.
- In 2008 the Wisconsin Department of Natural Resources charged Enbridge with more than 100 environmental violations which Enbridge settled by paying \$1.1 million in penalties.
- Enbridge was responsible for the largest inland oil spill in U.S. history when Line 6B released nearly one million gallons of heavy crude oil into the Kalamazoo River. It took Enbridge employees 17 hours to even realize a rupture had occurred. The spill polluted more than 4,000 acres of land and closed the river to the public for two years.
- Enbridge was required to pay \$177 million in penalties for spills in Marshall, MI and Romeoville, IL.
- Enbridge faced criminal charges and had to pay penalties for causing uncontrolled groundwater releases and other water quality violations while constructing Line 3. Combined with previous DNR enforcement action related to Line 3, Enbridge will pay a total of \$11 million in penalties, projects, and financial assurances for restoration or monitoring.
- In Michigan, Enbridge was fined \$1.8 million because it didn't correctly inspect Line 5 and its other pipelines.

1.5 notes, because of the importance of Lakes Superior and Michigan and Green Bay as vast water resource reservoirs, water quality standards for rivers emptying into these waters shall be as high as practicable. So why would we put our water resource quality into the hands of Enbridge, who has a poor safety record. Yet, when they were convicted as felons in MN for water violations, receive a small penalty and then business as usual.

Based on Enbridge's construction record, aquifer breaches and frac-outs resulting from horizontal directional drilling (HDD) are foreseeable and must be considered.

- Frac-outs are a foreseeable results of crossing waterbodies using HDD. This is evidenced by the frequency with which frac-outs occurred during the Line 3 Replacement Project in Minnesota.
- While constructing the Line 3 Replacement Project in 2021, Enbridge punctured three aquifers in three MN counties. The breach caused nearly 300 million gallons of groundwater to flow to the surface, incurring fines and a criminal charge for Enbridge.
- Enbridge's claim that the reroute will be more safe because it uses the most current technology is not borne-out by their record in recent projects, including Line 3.

1.9 says thermal discharges shall not raise water temperatures more than 3 degrees F above existing natural temperature. Analysis should consider that construction of Line 3 caused post-construction ground water heating (per heat-sensing drone monitoring by the group Waadookaamad amikwad linked here: [Line 3 construction damage](#)). This issue needs to be thoroughly investigated before considering the Line 5 reroute.

Have we received proper responses on how breaches will be avoided in constructing the Line 5 reroute? Do we have enough information to ensure the safety of WI ground water? Why are we allowing Enbridge to use these practices when they have proven to have detrimental affect, which is specifically to be avoided per the Strategic Vision.

Strategic Vision Page 41, national interest: The Council is directed to recommend policies which involve state and national interest and both short term and long term aspects of projects. For Line 5, the national interest is not served by extending fossil fuel infrastructure that significantly contributes to climate change at a time we need a quick transition to renewal energy sources. This must be considered as inconsistent with Coastal Policies and detrimental to the public interest. It certainly meets the public interest to prevent future inevitable leaks from Enbridge pipelines by denying permits for the reroute.

Page 57: "The national interest must be balanced against the national interest in preserving an enhancing the Great Lakes as a national resource important to fish, wildlife, recreation and water supply. The Great Lakes contain 20% of the world's fresh water." Why would we risk that? That national interest for energy is clearly in renewables, not extending the life of this aging fossil fuel infrastructure.

Strategic Vision page 67: Tribal Government. Notes the Bad River tribe specifically. The Bad River tribe has emphatically rejected the Line 5 reroute in their watershed.

Strategic Vision Conclusion page 69: "...Great Lakes clearly recognized as a unique asset that, if properly cared for, will continue to play a key role in the Wisconsin's future quality of life." It is that important.

"The Program was needed to assign a high enough priority to coastal resources and a single strong voice to advocate a sound and sensible future for this valuable resource that belongs to all the people of WI, and national interests." Note that voice is for the people of WI and nation, not a foreign corporation interested in protecting their profits.

Lastly, I wish to refute comments that exaggerate the economic impact of Line 5, scaring citizens in order to retain massive profits (\$1.6 million/day) while endangering the Great Lakes:

- PLG Consulting, an impartial industry consultant, released [a report](#) documenting a range of Line 5 replacement options that are commercially viable and operationally feasible.

- Enbridge's own expert said the impact of a Line 5 shutdown on gasoline prices would be only half of a penny per gallon.
- When Line 5 shut down in 2020, there was no increase in gasoline prices or shortage in supplies.
- A Line 5 expansion will not create significant jobs. Most would only be temporary, and ~50% are filled by out-of-state workers. In fact, a MI group found that decommissioning Line 5 would create more jobs (~2,200) than the proposed reroute (up to 700).
- Line 5 supplies LIMITED amounts of fuel to Wisconsin, Michigan or the US. It transports crude oil from western to eastern Canada, briefly cutting through Wisconsin and Michigan. However, 90-95% of Line 5 fuel is sold in foreign markets.

No one wants to see folks lose access to fuel they need. And we should not buy into Enbridge's misinformation. The truth is Line 5 can be shut down without experiencing supply shortages, price spikes or losing significant jobs. Shutting down Line 5 is a reasonable alternative that should be concluded.

Yvonne Besyk  
8818 Camp Lake Rd  
Salem, WI 53168  
708-217-3519  
ybwblue@comcast.net

**From:** [Phyllis Hasbrouck](#)  
**To:** [Angel, Kathleen - DOA](#)  
**Subject:** Comment on Line 5, as the link was not working.  
**Date:** Thursday, August 15, 2024 7:27:26 PM

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**CAUTION: This email originated from outside the organization.  
Do not click links or open attachments unless you recognize the sender and know the content is safe.**

Hi, unfortunately I had to leave the hearing before it was my turn to speak, and then I spent a good deal of time trying to make the link work. Finally I found someone who gave me this address. The set up at the meeting was also confusing. Because the square with my name on it was bigger than all the others, somehow my eyes glided over it as I searched for my name. I think that some of the people who didn't speak may have had that problem. I think that a system where you unmute them would be better, especially for older people. Thank you. My comment is below.

My name is Phyllis Hasbrouck, and I live in the town of Dunn, in Dane County. Thank you for holding this hearing on Line 5. I ask you to deny the request for a permit for this dangerous project, but at the very least you should decline to issue a concurrence determination and then closely investigate how much our concerns require denial, delay, or the submission of additional information from the applicant.

Why are we testifying today? First, let me say that there are many more who would have testified, but with only one day's notice, they either couldn't fit it in their schedules, or they don't even know this is happening. If you want to know how much Wisconsinites care about their coastlines, give us another month to alert people and then hold a hearing.

Many of us tried to stop Enbridge Line 3 from being rammed through northern Minnesota in 2021, and since then we have learned anew just how cavalier Enbridge is about our lands and waters. The citizen science group called Waadookaamad Amikwag, or "Those who help beaver," has uncovered more aquifer breaches and frac-outs than Enbridge admitted to along Line 3. They have documented that everything that Enbridge has **tried** to correct the damage, has only made things worse. Enbridge cannot be trusted to fix what it has broken, and it cannot be trusted to tell the truth. Why would an agency like yours, dedicated to protecting our coastal lands and waters, give the green light to a project that will surely be just as harmful to Wisconsin as Line 3 was to Minnesota?

We have been given a chance to look into the future, and to take a different path when we see the ecological destruction that Enbridge has caused. Don't waste this chance! Consider what the US Environmental Protection Agency has said about the proposed Line 5 reroute project.

They said that it will have "substantial and unacceptable" impacts on the Bad River and on the Kakagon-Bad River Sloughs, the largest wetland complex on Lake Superior and a RAMSAR Wetland of international importance. Just that one fact should be enough to make you deny a permit. 40 million people get their drinking water from the Great Lakes, and a rupture flowing into Lake Superior would quickly poison its waters, and could eventually contaminate all of the Great Lakes.

Imagine that happening, and everyone turning to YOU and saying, "How could you have approved this?" Hopefully you will never have to face that music, but you need to be brave now in order to avoid it. Do the right thing and stop this disaster before it's too late.

--

Phyllis Hasbrouck

C - 608-628-2605

*"Another world is possible!"*

**From:** [Susan Nossal](#)  
**To:** [Angel, Kathleen - DOA](#)  
**Cc:** [Susan Nossal](#)  
**Subject:** Reject the Enbridge Line 5 reroute  
**Date:** Thursday, August 15, 2024 8:11:58 PM

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Greetings Wisconsin Coastal Management Program staff,

I hope you are doing well. I strongly urge you to reject the Enbridge Line 5 reroute. Enbridge has a poor safety record and a history of spills that threaten Wisconsin's watershed and aquatic ecosystems. Thank you for your work to protect our environment.

Best wishes,  
Susan Nossal

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