

Line 5 EIS Comments
DNR (EA/7)
101 South Webster Street
Madison, WI 53707
DNROEEACOMMENTS@WI.GOV

March 7, 2022

Gentlefolk,

Thank you for this opportunity to comment on the draft EIS on Enbridge's Line 5 expansion around the Bad River Reservation. As President of the League of Women Voters of Ashland and Bayfield Counties, I provided oral comments on behalf of our local chapter at the hearing on February 2, 2022. Because of the time constraint, I did not have time to make all of the points we wished to make. The comments below include and expand upon my oral comments. We are also working together with the League of Women Voters of Wisconsin on detailed comments.

We are deeply disappointed in the DNR for releasing a flawed product. The document should be substantially re-written to include detailed analyses of risks to ecosystems, infrastructure, and financial burdens to local communities. Inaccuracies and contradictions must be reconciled. Climate impacts were ignored, as were impacts of a catastrophic spill on Lake Superior and the Kakagon/Bad River Sloughs complex. Analysis of alternatives is far from complete, and the alternative of decommissioning Line 5 was not addressed as a serious option.

We outline a few deficiencies in the draft EIS in more details below.

- Most important is the lack of analysis of the impacts and risks of the proposed re-route and expansion. For example:
 - Much of Section 6 is a description of resources rather than an analysis of the potential risk to those resources. It contains unsupported statements of minimal or temporary effects that are blatant admissions of the lack of field surveys and risk analysis. For example, "... impacts would be expected ...but have not been quantified."(Section 6.11); and "Both sloughs [Kakagon and Bad River Sloughs] would not be directly impacted by the proposed route nor alternatives but *could have secondary impacts* from the Project." Contradicting that statement in the next paragraph is: "Given the size and background sediment loading of the streams it is *unlikely* that the project would have an adverse effect on the sloughs."(Section 6.10.7; emphasis added to both sentences).
 - The document contains little analysis of cumulative impacts. For example, the downstream effects on water quality due to more than 180 water crossings. Analysis should at least include the cumulative impacts of permanent removal and fragmentation of forested habitat, sedimentation, and the increased potential for introduction and spread of invasive species.

- The section on ecojustice does not consider non-indigenous populations. The population that is asset-limited, living in poverty, or otherwise vulnerable extends beyond the indigenous population in these two counties.
- Analysis of risks for site-specific waterway and wetland crossings is absent. Geotechnical survey results should be presented as part of these analyses, as well as how the data will be used in the plans for each crossing.
- Detailed analysis of the impacts of potential spills is sparse. Section 6.8.2 acknowledges impacts to the Lake Superior Sandstone Aquifer *could occur over time* if a large spill occurred (emphases added). Section 7.8.1.3 mentions the potential *“permanent, negative impacts to the rice beds even after clean up...”* Spill impact analyses should be included for every affected sub-watershed along the proposed route and all alternatives.
- The risk in floodplains during a heavy rain event is only considered relative to the project and *“unsecured machinery”*, not risks to the ecosystem (section 6.10.4).
- The proposed plan and analysis regarding abandonment of the existing route through the Bad River Reservation are not explored.
- The impacts on greenhouse gasses and climate change are not analyzed relative to extending the life of the pipeline.
- A thorough analysis of each of the 26 sites where HDD is proposed is lacking. Although Section 6.8.1.5 mentions the recent aquifer breach at Clearbrook Minnesota while placing Enbridge Line 3, it fails to mention the large number of frac-outs that occurred during that project. The composition of drilling mud, analyzing the volume used and returned during the process, and the consequences of drilling mud loss into the environment (especially surface and groundwater), are not adequately addressed. Instead, despite the risk of frac-outs, the DEIS states that *“indirect impacts, long-term impacts, and cumulative impacts to geological materials or the biological environment are NOT ANTICIPATED from directional drilling methods.”*(Section 6.8.1.8, emphasis added).
- The document contains many inaccuracies and does not make use of the latest information available. For example,
 - The latest projections for the demand for oil and electricity are not reflected, nor is Enbridge’s own analysis of the profitable lifespan of their pipelines.
 - Under Agricultural Lands a program is discussed that is not in use in our counties.
 - The list of private wells at risk is incomplete.
 - Treaty rights and affected Tribes are not described accurately. We back the Tribes and GLIFWC in their comments on these aspects.


During the scoping process WDNR invited comments on important topics to explore in the DEIS simultaneous with wetland and waterways crossing permitting. Seeking comments on these two processes simultaneously is confusing. The permitting of crossings is an important regulatory responsibility of WDNR’s that should rely on the information in the final EIS.

In summary, this document is a rough draft of what a draft EIS should be. Because this draft lacks

information in many crucial areas, the public has not had an adequate opportunity to review the potential risks and impacts associated with the expansion of Line 5. We suggest that the next release be considered the draft EIS, with further public comment invited before the EIS is finalized. Following the final EIS, the WDNR should again invite public comment on wetland and waterway crossing permits based on the updated, and hopefully more complete, information in the final EIS.

Thank you for your work, and for involving public comment, on this major project that affects the greatest of our Great Lakes.

Sincerely,

A handwritten signature in cursive script that reads "Sue Niemi".

Sue Niemi, President

League of Women Voters of Ashland and Bayfield Counties