Ref: U.S. Army Corps of Engineers Project LRE-2010-00463-56-A19

Thank you for the opportunity to provide input during the scoping process for the Environmental Impact Statement (EIS) on the Army Corps of Engineers (ACE) Project LRE-2010-00463-A19 (henceforth, tunnel project).

The League of Women Voters of Wisconsin (LWVWI) has long taken an interest in issues surrounding water quality and has position papers on the protection of drinking water, groundwater, and surface water. The proposed tunnel project poses unacceptable risks to the water quality of the Great Lakes and the millions of people who rely on clean lake water for drinking and recreating.

For an EIS to be adequate, it must at least include thorough analyses of:
- Cumulative impacts;
- Cultural, archaeological, indigenous rights;
- Alternatives, including a no action alternative;
- Climate and greenhouse gas emissions
- Risk of explosion, spill, and release of toxic compounds during construction, maintenance, and operation of the line.

Cumulative Impacts
The analysis of cumulative impacts should be a complete and thorough examination of direct and indirect potential effects on ecosystem integrity, aquatic life, human health, and social and economic costs. Consider seriously the results of the study conducted by Michigan State University researchers, notably the $6 billion and 900 miles of shoreline in Upper and Lower Michigan impact due to a potential spill[1]. Some specific examples of topics to include in a cumulative impacts analysis are:

- Describe how the sediments removed from drilling under the lakebed will be stored temporarily and permanently. Analyze the chemical composition of the sediments for potentially toxic components.
- Inventory and characterize the wetlands that will be impacted during construction, maintenance, and operation of the pipeline. Include types of wetlands, acreages, their

[1] https://forloveofwater.org/line-5-economic-report/ (accessed 9/13/2022).

condition and functions, GPS locations, and conversion of types (e.g., forested wetland to sedge meadow or scrub-shrub).
- Explain how aquifers will be protected against potential breaching during drilling, including loss of aquifer water and contamination of aquifer by drilling fluids.
- Detail the potential impacts on aquatic life (direct and indirect through changes in water quality or other disturbances to habitat).
- Address potential impacts on fishing as a food source.
- Examine the social, economic, eco-justice, and human health effects due to potential:
    - Aquifer breach
    - Transient workforce (including "man camps" and their connection with missing and murdered indigenous women)
    - Increased traffic and other demands on local infrastructure
    - Disruption of fishing access

Cultural, Archaeological, and Indigenous Rights

A potential archaeological site of cultural significance located on the lake bottom in the vicinity of the proposed tunnel has come to public attention in recent years. The ACE should consult with affected Tribes and State Historical Preservation authorities in researching the site. The EIS should contain a complete description of the site and analysis of potential negative impacts during construction, maintenance, and operation of the pipeline and tunnel. Analysis of potential impacts should also include the significance to Tribal Nations of the loss of yet another cultural site.

Alternatives

An analysis of alternatives must include not only alternative locations for the pipeline and alternative methods for crossing the Straits of Mackinac, but also accommodating the flow of oil through alternative existing pipelines and a "no action" alternative.

Alternative locations for Line 5 should include an analysis of routing the pipeline through Canada. Indeed, Line 5 carries Canadian oil through the States of Wisconsin and Michigan and back to Canada. The U.S. citizens along the route of the pipeline and everyone who enjoys the clean waters of Lakes Superior, Huron, and Michigan assumes the risk of this pipeline while an international corporation receives all of the benefits. Very little of the products carried by Line 5 are used in the U.S.

Analyze an alternative that would use other existing Enbridge pipelines, and those owned by other corporations, to transport the products carried by Line 5. A recent study has shown that alternatives to Line 5 exist, and if used, would not cause an energy crisis.[2] Additionally, an executive at MEG Energy (an Alberta company that currently uses Line 5 to move their heavy oil) said that the decommissioning of Line 5 would not have a negative impact on their capacity

[2] https://environmentaldefence.ca/2022/02/16/line-5-closure/ (accessed 9/9/2022)

to move their petroleum products[3]. If the capacity of other existing lines is insufficient to transport Line 5 products, analyze the requirements for expanding capacity of other pipelines to accommodate Line 5 products.

A "no action" alternative means that an environmentally destructive project will not be implemented. The meaningful alternative in this situation would be decommissioning Line 5 altogether and ceasing the shipments of oil it has been carrying. Indeed, that is the only alternative which will achieve the greenhouse gas emissions reductions necessary to avert the worst climate change impacts. Furthermore, Enbridge is currently engaged in lawsuits with both the Bad River Band of Lake Superior Chippewa and the State of Michigan for continuing to operate the pipeline in contempt of invalid easements. The outcome of these lawsuits could result in Line 5 being decommissioned, hence the further need for a "no action" alternative that includes decommissioning of the pipeline.

Climate and Greenhouse Gas Emissions

The EIS should consider the operational life extension of a nearly 70-year-old pipeline (with a 50-year life expectancy) that would result from the completion of the proposed tunnel project. Construction of the tunnel would extend the life of the pipeline and demand that other reconstruction or improvements along additional segments of the existing line be undertaken. The cumulative impacts of the tunnel and the concomitant impacts of the additional oil transport infrastructure and replacement projects must be taken into consideration.

Climate Policy Program Director of the Stockholm Environment Institute, Peter Erickson, in written testimony to the Michigan Public Service Commission on Enbridge's proposal to bury Line 5 under the Straits of Mackinac, said that shutting down Line 5 and transporting by rail or some other way could ultimately lead to fewer greenhouse gas emissions. "If the Line 5 pipeline did not re-start, global oil prices would increase and consumption and emissions would decrease," he stated. In fact, extending the lifespan of Enbridge Line 5 will add an estimated GHG Pollution of 71 million metric tons annual CO2 (20-year global warming potentials IPCC AR5).[4] The EIS should consider this in its analysis.

The EIS should address the social cost of carbon. Given that fossil fuel extraction in the Alberta Tar Sands has an exceptionally high carbon impact, related to both the damage to the boreal forest as well as the extensive energy inputs of refining the tar sands, addressing the social cost of this carbon is imperative. Further compounding the social cost of tar sands extraction is the

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[3] https://www.cbc.ca/news/canada/calgary/meg-energy-calgary-alberta-line-5-1.6243449#:~:text=The%20chief%20executive%20of%20MEG,to%20the%20U.S.%20Gulf%20Coast. (Accessed 9/13/2022).

[4] Oilchange International, October 2021

increasing cost of climate-related disasters in the United States, which must also be considered in the EIS. The US was hit by 20 separate billion-dollar disasters in 2021![5]

Economic impacts of fossil fuel infrastructure include the expectation that they will become stranded assets. Projections that half the world's fossil fuel assets could become worthless by 2036, with financial analysts warning of an $11 trillion fossil fuel asset crash causing a 2008-style financial crisis[6] must be included in the analysis of climate impacts and/or with cumulative impacts.

Tar sands resources are likely to become stranded assets early, as extraction from those sources becomes economically nonviable with every downturn in the price of oil. Not only is it fiscally irresponsible to enable this project; but there is grave concern regarding the safety and ability of Enbridge to respond to emergencies and routine maintenance when the company becomes financially insolvent. Studies have shown Line 5 could well become a stranded asset by 2041, less than 15 years past its projected completion date.[7]

The National Environmental Policy Act (NEPA) requires the federal government to consider the impacts of climate change for proposed projects. In fact, since 2017, NEPA has upheld the federal requirement to consider climate (and specifically greenhouse gas emissions) as relates to pipelines at various levels in courts across the United States.[8]

Risk of Explosion, Spills, and Release of Toxic Compounds

The EIS must address the concerns expressed by the Michigan Public Service Commission's expert witness regarding the risk of explosion during operation of an oil pipeline within a tunnel beneath the lake bottom. Similarly, the EIS must include analysis of the Pipeline and Hazardous Materials Safety Administration. (PHMSA) identified risks associated with operating and maintaining a pipeline within a tunnel.

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[5] https://www.theguardian.com/environment/2022/jan/11/us-hit-by-20-separate-billion-dollar-climate-disasters-in- 2021-noaa-report-says

[6] Nature Energy: Reframing Incentives for Climate Policy Action; November 2021

[7] https://www.mlive.com/public-interest/2022/01/line-5-tunnel-could-be-a-stranded-asset-in-20-years-report-says.html (accessed 9/13/2022).

[8] American Progress Report 5-29-19 "12 Climate Wins From the National Environmental Policy Act" :

- Oil and Gas Leases in New Mexico (Dine Citizens Against Ruining Our Environment v. David Bernhardt, 2019;
- Oil and gas leases in Wyoming, Utah and Colorado (*Wildearth Guardians v. Ryan Zinke, 2019*); Oil and gas project in Colorado (Citizens for a Healthy Community v. U.S. Bureau of Land Management, 2019);
- Pipeline in Virginia (National Parks Conservation Association v. Todd T. Semonite, 2019);
- Appalachian Trail Pipeline (Cowpasture River Preservation Association v. U.S Forest Service, 2018);
- Keystone XL pipeline (Indigenous Environmental Network v. U.S. Department of State, 2018);
- Southeast Market Pipeline (Sierra Club v. Federal Energy Regulatory Commission, 2018).

In the event of a spill due to any kind of failure of the pipeline during construction, maintenance, and operation, the effects on aquatic and shoreline flora and fauna could be catastrophic[9]. The EIS should include a thorough analysis of the potential impacts on the aquatic and shoreline resources.

Risks associated with the potential release of drilling fluids must also be analyzed in the EIS. Drilling fluids consist of a proprietary mix of compounds. The effects of these proprietary mixes cannot be fully analyzed without knowing their constituents. Therefore, the ACE should demand a list of the constituents and complete a thorough analysis of potential impacts to environmental and human health should any of these compounds be released. The ACE should take to heart the lessons learned from the Line 3 aquifer breaches and numerous frack-outs in Minnesota and not allow a repeat of any of these devastating mishaps.

In summary, the LWVWI is counting on the ACE to complete a thorough EIS on the tunnel project for the protection of our environment, our citizens, and the generations of citizens to come. We have taken a strong position opposing the reroute and expansion of Enbridge Line 5 around the Bad River Reservation due to serious environmental, economic, and social concerns. The tunnel project, which is intimately linked to the reroute/expansion project carries with it similar and perhaps even more dire environmental risks. Line 5 is already almost 20 years beyond its life expectancy. At the time of installation, the National Environmental Policy Act did not exist and environmental reviews were non-existent or sorely inadequate. This proposal should be very thoroughly considered using the most current scientific methodology.

Thank you again for the opportunity to weigh in during the scoping process in preparation of a full NEPA-compliant EIS.

Sincerely,

Debra Cronmiller
Executive Director
League of Women Voters of Wisconsin
dcronmiller@lwvwi.org

[9] https://phys.org/news/2014-07-straits-mackinac-worst-great-lakes.html (accessed 9/13/2022).