

December 7, 2020, 1:00 PM

**Event Producer:** Welcome. And thank you for joining today's public hearing on Enbridge's permit application to construct a pipeline tunnel under the Straits of Mackinac. Before we begin, if you're participating through the web, please ensure you've opened the participant and chat panels located at the bottom of your screen. Note that all attendee lines are muted at this time and speakers will be unmuted individually to make their comments during the public comment portion of the hearing. If you require technical assistance, please send a chat message to the event producer. With that, I will turn the hearing over to Lieutenant Colonel Scott Katalenich, District Commander of the Detroit District, US Army Corps of Engineers.

**Lieutenant Colonel Scott Katalenich:** Good afternoon. I'm Lieutenant Colonel Scott Katalenich, the Commander of the Detroit District, US Army Corps of Engineers. I'd like to welcome everyone and thank you all for attending our virtual public hearing regarding our review of the permit application by Enbridge Energy, Limited Partnership, to construct a pipeline tunnel beneath the bed of the Straits of Mackinac. We are holding this hearing to acquire information, which will be considered in our evaluation of the proposed project, and to afford the public an opportunity to present their views and information on the project. We issued an initial public notice for the proposed project on May 14th, 2020, and that comment period expired on July 14th, 2020. This public hearing and its associated written comment period is yet another opportunity to provide input on this proposed project.

**Lieutenant Colonel Scott Katalenich:** The purpose of today's hearing is to gather public input on a proposed project, so we will not be responding to questions or comments. The hearing is being recorded and transcribed, and it will be available on our Line 5 website. The hearing transcript will become part of the administrative record and all comments will be considered in our evaluation of the permit application. In addition to today's hearing, we are accepting written comments through December 17th, 2020. Information on the proposed project and how to submit comments is in our website, and we'll post the web address in the chat box and at the end of this presentation. Again, thank you, and we look forward to hearing what you have to say. At this time, we will go around and introduce some of our Corps of Engineers staff who are with us for today's public hearing.

**Charlie Simon:** Good afternoon. I'm Charlie Simon. I am Chief of the Regulatory Office for the Detroit District, US Army Corps of Engineers.

**Kerrie Kuhne:** Good afternoon. My name is Kerrie Kuhne and I'm the Chief of the Permit Evaluation Western Branch within the Detroit District.

**Katie Otanez:** Good afternoon. This is Katie Otanez, I'm a regulatory project manager in the Permit Evaluation Western Branch of the Regulatory Office. Before we go in... further into details on how the hearing will be run and how to comment, I'll give a brief overview of the proposed project and our permit review process. The applicant proposes to construct a 21-foot diameter tunnel, approximately 3.6 miles long underneath the lakebed of the Straits of Mackinac at depth of at least 10 feet below the top of rock or 60 feet below the mud line, whichever is shallower. Approximately 364 cubic yards... 364,000 cubic yards of material would be removed from underneath the lakebed to construct the tunnel. The material would be disposed of in an upland

location.

**Katie Otanez:** After the tunnel is completed, the applicant proposes to install a new 30-inch diameter pipeline within the tunnel for light crude oil and natural gas liquids to replace the existing Line 5 dual pipelines crossing the Straits of Mackinac. The tunnel would be constructed using a tunnel boring machine. Pre-cast concrete segmental lining would be installed as the tunnel is constructed, and the annular space between the walls of the tunnel and the concrete lining would be filled with low-permeability grout. The entry point to the tunnel boring machine would consist of a shallow launch portal up to 1000 feet long, 60 feet wide, 75 feet deep and would be constructed in uplands in the southern work area at McGulpin Point. The exit point for the tunnel boring machine would be a circular shaft 70 feet in diameter and 150 feet deep, constructed in uplands in the northern work area at Point La Barbe.

**Katie Otanez:** The proposed project involves the discharge of fill into several wetland areas in the northern work area totaling 0.13 acre, including 0.1 acre of permanent wetland fill and 0.03 acre of temporary wetland fill. In the drawing on the slide, the bright green areas are the delineated wetlands and the black boxes identify individual wetland fill areas, which are outlined in red or pink. Fill would be discharged to construct two outfall structures to widen Boulevard Drive for construction access and to provide access to a construction and staging area on the north side of Enbridge's North Straits facility. Two water intake structures, each with a base approximately 10 feet x 10 feet would be installed on each side of the Straits, located approximately 280 feet offshore the northern work area in approximately 10 feet of water depth, and approximately 350 feet offshore the southern work area in 17 feet of water depth with a 6- to 12-inch diameter pipe connected to onshore water storage tanks.

**Katie Otanez:** A discharge pipe would also be connected to the southern water intake, which would be used intermittently to discharge treated water. Each intake structure would be marked with a surface buoy. The water intakes would be removed once the tunnel is completed. Upon completion, the new 30-inch pipeline within the tunnel would be connected to the upland portions of the Line 5 pipeline and the existing Line 5 dual submerged pipelines crossing the Straits of Mackinac would be decommissioned. Enbridge has proposed two alternatives for the existing pipeline: number 1, the pipeline would be purged, cleaned and abandoned in place, or number 2, the pipeline would be purged and cleaned, and exposed portions of the pipeline between the 65-foot depth contours would be removed. The second alternative would include the removal of all screw anchors, capping the ends of the remaining buried parts of the pipeline, using a jet sled or similar high pressure technology to expose partially buried portions of the pipeline, cutting the pipeline into segments and removing it from the lakebed. Portions of the dual pipelines landward of the 65-foot depth contours are currently buried in sediment and would remain in the waterway.

**Katie Otanez:** The purpose of the project is to transport light crude oil and liquid natural gas between the Upper and Lower Peninsulas of Michigan. We are reviewing the proposed project under the authority of Section 10 of the Rivers and Harbors Act of 1899 and Section 404 of the Clean Water Act. Aspects of the project within the course jurisdiction include the tunnel construction and installation of tunnel structures under the bed of the Straits of Mackinac, discharges of fill in wetlands adjacent to Lake Michigan, and installation of water intake structures in Lake Michigan.

**Katie Otanez:** Our scope of analysis includes: The construction of the tunnel between the tunnel

boring machine entry and exit portals, associated construction activities, equipment use and material staging within the limits of disturbance, spoils disposal, site restoration, operation of the pipeline tunnel and decommissioning of the existing dual pipelines, either by abandoning them in place or removing them. The Corps review is limited to the proposed crossing of the Straits of Mackinac and adjacent wetland. Other parts of Line 5 are not within the scope of the Corps' pending permit review. The Corps does not have the legal authority to regulate the construction, maintenance, or repair of upland segments of pipelines. The Corps does not have the authority to regulate the operation of oil and gas pipelines or to address spills or leaks from oil and gas pipelines.

**Katie Otanez:** We will prepare an environmental assessment for the proposed project which will conclude with either a finding of no significant impact or a determination that an Environmental Impact Statement is necessary. Our evaluation will include a public interest review, a Section 404 (b)(1) Guidelines review and reviews under Section 7 of the Endangered Species Act and Section 106 of the National Historic Preservation Act. We're aware of Governor Whitmer's recent order revoking the State of Michigan easement for Line 5 in the Straits of Mackinac and directing Enbridge to shut down the existing dual pipeline. The Governor's order did not terminate the state's review of Enbridge's application for the proposed pipeline tunnel and the Corps' review will also continue. We are considering how the order may affect our permit review.

**Katie Otanez:** We are not answering questions as part of the hearing today, but if you have questions on the project or on our review process, please reach out to us. You can use the contact information on our website or in the public hearing notice which will also appear momentarily in the chat box here. With that, I'll turn it over to the event producer to go over the hearing and give you details on how to comment.

**Event Producer:** In a moment, we will open the floor for public comment. We will begin with those who pre-registered by email and requested to make a comment in the order in which you registered. We will read the name of the commentor and the next commentor on deck. When your name is called, I will give you instructions on how to identify your phone line and then I will unmute your line. Once we have read the names of everyone who pre-registered to comment, we will open it up to anyone else who would like to comment. I will give instructions at that time on how to enter the queue. Please state your name and any organization you represent before you begin making your comment. We will call on commenters in the general order in which they entered the queue.

**Event Producer:** Each commenter will have three minutes to make their comment. I will indicate when you have one minute left and when your time is expired. If I indicate that your time has expired, please wrap up your comments immediately so we can allow the next person to comment. If there is time after everyone has had a chance to make a comment, we will allow commenters to supplement their remarks for an additional three minutes. At this time we will begin the comment period for those who pre-registered and requested to make a comment. Stan Vitton, please press pound two on your phone. The next name up on deck is Patty Peek. So Stan Vitton please press pound two on your phone. And Patty Peek, if you may do so as well. Again, that's pound two on your phone. Mr. Vitton, please go ahead.

**Stan Vitton:** Yes, thank you. Um, I appreciate the opportunity. My name is Stan Vitton. I'm a professor at Michigan Technological University, and, uh, I'd like to make, uh, comments in support

of the tunnel. Umm, I've already provided written, comments but I'd like to add additional comments to it. Uh, just a brief background uh, Bachelors of Geological Engineering, Masters in Mining Engineering, PhD in Civil Engineering. I've had extensive experience in, in the mining industry, in particular explosives, vibrations on structures including high pressure gas, uh, uh lines, uh, hydroelectric facilities. I want to make a comment. My first comment I wanna make is that I, I don't see any scientific basis for any type of failure of the pipeline, especially catastrophic, umm, not even small, uh, failures. The, The pipeline was designed, uh, for, umm, those type of, uh, of incidents such as anchor strikes and things of that sort, umm, so I don't see any, any scientific evidence. Uh, if you look at the situation in the current tunnel, umm, or the pipelines, I'm sorry, umm, they see very little stress and, uh, I don't see any situation in which they would have be... Uh, uh, have any type of problem with them.

**Stan Vitton:** I say that because it's in the time period in which the tunnel will be constructed. I believe that, that there is absolutely no reason to believe there'd been a problem with the existing pipelines. I want to support the tunnel. I was, uh, hired as a consultant to work on the feasibility study. Umm, the reason I was hired is I've been studying this area geologically, uh, for a number of projects around that area, the Mackinac Straits, and, uh, and, uh I was, again, hired to look at the three options they looked at. Umm, I just don't see any reason, uh, that the tunnel cannot be, uh, feasibly put in and, uh, I just basically want to support this tunnel, uh, and, uh, I think it would be an excellent addition to crossing the Straits.

**Stan Vitton:** Uh, I wanna also make one last point is that the, umm... Look at the world, there is, uh, a gas lines being put in, uh, underneath the, the Baltic Sea. There's, there's at least 9 major lines across the Mediterranean. These are all over extremely, uh, active tectonically areas, umm, as well as other types of geologic hazards, landslides. The Straits of Mackinac have nothing close to any of this, so I do want to make these comments. I will, uh, relinquish the additional 30 seconds that I have. And again, thank you for being able to provide support for the tunnel.

**Event Producer:** Thank you so much for your comments. At this time, Jennifer McKay, please press pound two on your phone. Jennifer McKay, please press pound two on your phone. Thank you. Ms. Peek, please go ahead.

**Patty Peek:** Patty Peek. I'm from the Straits of Mackinac Alliance. I'm a full-time resident of St. Ignace. My home is at ground zero. It is the closest one to the Enbridge proposed North tunnel project site at Point La Barbe. I serve as Chair of the Straits of Mackinac Alliance. This citizens group has many members who live on or near the Straits and, like me, will be directly affected by the decisions you'll be making. Today, I'm speaking specifically to the issues arising on the north side. The Point La Barbe area and specifically Boulevard Drive is well known to the St. Ignace community. The road overlooks the Mackinac Bridge. Visitors and locals alike drive the quiet and paved road to view the birds, wildflowers and enjoy nearly two miles of open views of the Straits. Small cove on the bend at Boulevard near the American Transmission Company power station is a popular swimming and kayaking spot. I urge you to deny a permit at this time given the inadequacy of the information that Enbridge has provided. The absence of clear plans and specificity in many areas is absolutely unacceptable. There has not been a thorough EIS completed.

**Patty Peek:** Since time is short today my focus will be only on clean water issues. Water quality is of the highest priority, yet the permit has no indication of the chemicals that will be discharged into the lake during the construction phase or during operation of the tunnel. There's no description of

the specific treatment system to be used nor does it include a plan for containment of a spill either on shore or in the tunnel. Of particular concern is the lack of any information on bentonite slurry. The permit also does not show the specific siting of the treatment facility and containment ponds. The high lake levels and the presence of significant wetland on the Enbridge site and road to be used during construction are concerning as it appears that much of the excavation will be very close to the shoreline where any type of spill will be catastrophic.

**Patty Peek:** Those of us living on the North side rely on well water for drinking. Runoff of construction wastewater into our groundwater is a potential issue. What chemicals may be contaminating our wells? This is of particular concern given the high lake levels that have already caused a great deal of ground saturation. Millions of gallons of wastewater will be discharged into the lake. The discharge outflow will be 10 feet of... In 10 feet of water and less than a football field length from shore. The prevailing surface current is west southwest. This means the wastewater discharge will most likely be dispersed among the shallows of the north shore. The shoreline there is a marshy home to spawning fish, small amphibians, other aquatic species and many shore birds and waterfowl. There are eagles nesting in the area. All of these species would be at risk for any contamination of the water. Enbridge will be required to self-monitor and self-report if any issues arise. I wish I could say that I trust them to do everything to keep our water safe but given their past performance, I cannot. I urge you to deny the permit and/or require a full and thorough EIS before proceeding further. Thank you so very much for the opportunity to speak.

**Event Producer:** Thank you very much for your comments. At this time, Terri Wilkerson, please press pound two on your phone. Terri Wilkerson, please press pound two on your phone. And Peter Lang. Thank you very much, umm, Terry Wilkerson. Jennifer McKay, please go ahead.

**Jennifer McKay:** Good afternoon. Thank you for the opportunity to provide comments on the proposed Enbridge Line 5 Tunnel. My name is Jennifer McKay, I'm the Policy Director at Tip of the Mitt Watershed Council. The Watershed Council is dedicated to testing our lake, streams, wetlands, groundwater and the Great Lakes. After reviewing the permit application, the Watershed Council concludes that the applicant has not demonstrated compliance with the federal guidelines promulgated under Section 404 (b)(1) of the Clean Water Act at 40 CFR Part 230 to protect the public's interest in the water of the US. Specifically, the applicant has not submitted an adequate alternative analysis demonstrating the project is the least environmentally damaging practicable alternative. Two, has not taken adequate, appropriate and practicable steps to minimize the adverse impacts the projects on wetlands and other waters of the US. Three, has not provided adequate information this project will not cause or contribute to the violation of the applicable state or federal laws, notably the Endangered Species Act. And four, has not provided adequate information this project will not result in significant degradation of the waters of the US. Therefore, we recommend that the permit be denied as proposed.

**Jennifer McKay:** To highlight some of our primary concerns, first is the impact to the Great Lakes coastal wetlands. Coastal wetlands are considered to be some of the most valuable ecological areas in the Great Lakes. They provide critical habitat for fish and wildlife, erosion control, water quality protection and recreational opportunities. Besides that, the proposed tunnel project is within one of the most pristine Great Lakes coastal wetlands in Lakes Michigan and Huron. Threatened endangered species: Houghton's goldenrod and dwarf lake iris, both federally listed threatened species, are present on the north side in Mackinac County. Enbridge proposes to relocate only 50% of the impacted plants to mitigate the loss. Migratory birds. The Straits of Mackinac are important

for water bird migration with tons to hundreds of thousands of individuals passing through the area each spring and fall. In addition, some are breeding birds include some federally endangered species, such as piping plover and other species with special value and protected status such as bald eagles.

**Jennifer McKay:** Tribal fishery rights: The proposed project occurs within the area of the 1836 Treaty territory for Michigan Tribes. Five of the twelve recognized Indian Tribes of Michigan are parties to the 1836 Treaty of Washington, which reserves hunting and fishing rights throughout the ceded territory. And the Straits of Mackinac are located in the center of that ceded territory. Cultural resources: There are significant prehistoric remains dating back 10,000 to 8000 years before present on the lake bottom that are extremely vulnerable to disturbance and would be obliterated without a trace by the proposed tunneling. These are a unique piece of Michigan's past that should not simply be brushed aside and destroyed.

**Event Producer:** Ms. McKay?

**Jennifer McKay:** And, uh, NEPA requires...

**Event Producer:** Ms. McKay, can you please, uh, wrap up your comments, please?

**Jennifer McKay:** Yes, I'm getting there. NEPA requires an Environmental Impact Statement when an action may significantly affect the quality of the physical and human environment, and we urge a full and thorough EIS to be completed for the project. Possible alternatives to the project is not water-dependent and the applicant failed to consider offsite locations to use the location other than the proposed location. Um, and the public interest: The benefit of the project does not outweigh the foreseeable detriments that will occur to the other public interests including wetlands, fish and wildlife, economics, water quality safety and the general welfare of the citizens of Michigan. So again, we urge the Corps, uh, to deny the permit application as proposed. And again, thank you.

**Event Producer:** Thank you for your comments. At this time, Peter Laing, please press pound two on your phone. Peter Laing...

**Terri Wilkerson:** Yes, this is Terri Wilker... Oh, Sorry.

**Event Producer:** Uh, thank you very much Ms. Wilkerson. I would just like to get the next person in line. Peter Laing, please press pound two on your phone. Scott Ehle, E-H-L-E, please press pound two on your phone. Terri Wilkerson, please go ahead. Thank you.

**Terri Wilkerson:** Yes, my name is Terri Wilkerson. I was part of the team that discovered the potential cultural site and it looks like this spans several thousand feet to the west and more than 1000 feet to the right of Line 5. So, this is not just a small area that we're talking about, and it, it completely encompasses Line 5. And it is an area that really needs to be explored before there's any more disruption made to the area, like building a tunnel, which would not only potentially destroy these, these, these, sites, but also cause permanent damage. And I'd like to stress that they're a cultural site not just merely archeological sites, because they could have as much significance for us today as they do historically, especially for Native Americans. Knowing the importance of the Straits area to us today and knowing that there are documented cultural sites in Lake Michigan and Lake Huron, it seems highly likely that a large area around Line 5 does contain cultural sites. I'm

not an archeologist, but I have seen the videos. I was there when we collected them, uh, using a sophisticated ROV, and it's very striking to see large swaths of patterns, evenly spaced rocks in circles, lines, and curves, and it would just be a huge disservice to proceed without knowing exactly what's there.

**Terri Wilkerson:** Umm, I... Additionally, I think the court should order that the Army Corps does a complete environmental study, so that we understand the impact of a tunnel on the environment and the construction process, which would be extremely disruptive, and which has repeatedly shown that they cannot be trusted with one of our most important assets, the Great Lakes. We depend on it for clean water and our economy. So we know that it still would be very hard to, to contain, and it's just the worst place to put, uh, oil, whether it's in a tunnel or the current Line 5. And we also know that we cannot trust Enbridge because they have repeatedly demonstrated that they break rules. They're currently, uh, being... There's currently a report that the Federal pipeline safety regulators are seeking \$122,000 fine, and demanding changes in the way Enbridge operates their, their pipeline system in the Great Lakes. And we've had this happen again and again and again. So you know, stupidity is repeating the same mistake without any changes. And, and I just think it would be foolish to proceed. So I strongly urge that the Army Corps of Engineers reject this application for a pipeline and at a minimum, uh, do a thorough, uh, environmental study before they proceed. Thank you very much.

**Event Producer:** Thank you for your comments. Peter Laing, please press pound two on your phone. Scott Ehle, please press pound two on your phone. Thomas Rayburn. Please press pound two on your telephone. Again, that's pound two or hashtag two. Thomas Rayburn. Don Erskine or Erskine, please press pound two on your phone. Don Erskine or Erskine, please press pound two on your telephone. Lorraine Coburn. Please press pound two on your phone. And Bentley Johnson, please press pound two on your phone. Bentley Johnson. Thank you very much. Lorraine Coburn. Please go ahead.

**Lorraine Coburn:** Hi, my name is Lorraine Coburn, and I'm from Ann Arbor, Michigan. And I'm not representing any organization. Just the fact that I have gone up to the Sleeping Bear Dunes for the past 40 years every single year, and they're very near and dear to my heart. An oil spill under the Straits would certainly devastate the dunes and a lot of the rest of the Great Lakes. And so I'm asking that the Army Corps deny the permit to the tunnel or at least do a full EIS under NEPA. The mission statement of the Army Corps is... Part of it is to energize the economy and reduce risk from disasters. And the tunnel violates both of those treaties creeds. An oil spill would destroy the largest freshwater supply in the world, and it would also devastate tourism, fishing, shipping and other industries in the Great Lakes. Enbridge already has a terrible track record given the Kalamazoo spill, and they tried to hide the discovery of the ancient artifacts.

**Lorraine Coburn:** The plans they've submitted are incomplete. The tunnel width isn't specified, the environmental impacts aren't specified, and the boring that they did was only every 950 feet instead of every 50-200 feet. And geologists have shown that the drilling conditions there are very poor to fair in what they've already bored. Furthermore, during construction, they would be discharging five million gallons of wastewater every single day. And they talk about creating jobs, when really, this is just a project for Enbridge's benefit. It is not for the United States... And it's a massive Canadian company. Not for United States or the people of Michigan or surrounding Great Lakes. They talk about 1763 short-term construction jobs compared to the 1.3 million long-term jobs that the Great Lakes support. So there are almost 1000 times more jobs that need the purity and

cleanliness and sanctity of the Great Lakes compared to what this tunnel could do and could devastate. We're moving toward a green economy so this also violates the public trust of further oil. So I'm asking again that you at least deny, deny the permit for the tunnel or at least to a full EIS under NEPA. Thank you for letting me comment.

**Event Producer:** Thank you for your comments. At this time would Kiana Courtney please press pound two on your phone? Kiana Courtney, please press pound two on your phone. Bentley Johnson. Please go ahead.

**Bentley Johnson:** Thank you very much for the opportunity to, umm, comment today. My name is Bentley Johnson and I'm a senior partnerships manager for the Michigan League of Conservation Voters, umm, with also a history working in the, umm, US Senate on pipeline safety issues. Umm, but I'm, uh, urging the Army Corps today to, uh, deny this, umm, permit application and, umm, and, umm, and, umm, require a full Environmental Impact Statement to the fullest extent possible. Umm, umm, for a lot of the reasons that have been already articulated, umm, umm, a lot of them being, uh, and I'll just run through, run through these, umm, quickly. But, uh, first, this, this project has not been shown that is... It is in the public interest. In fact, I believe it's a, umm, kinda huge threat to the public interest. Umm, one of the differences that, uh, this project has maybe anywhere in the world is, is, is, umm, the resource of the Great Lakes, umm, both globally unique, umm, umm, one of the busiest shipping, uh, waterways, uh, and, umm, drinking water for millions and millions.

**Bentley Johnson:** And umm, all the, uh, potential impacts, and especially... You know I, I should also mention the sensitive wetlands and unique wetlands that are unlike any place, uh, in the world. And so, the potential impacts that we're... That we see in this, umm, in this project proposal, uh, could really jeopardize, umm, all those, uh, public values. Umm, not to mention, umm, not to mention tribal sovereign... Sovereign tribal rights, uh, for, for fishing in the area. Umm, the inadequate, uh, geotechnical information that we've heard from many experts in the engineering and tunneling field, uh, is extremely concerning. It's inadequate at best, umm, umm, and dangerous, umm, at, you know, at worse, what... What we... What we've seen from the proposal. And uh... And so, umm, and, umm, that's why the, you know, the denial of this permit is so critical and, umm, we should have... Uh, you know, this project should have to go back to the drawing board with a full EIS, umm, to, to really, uh, explore the practical, uh, alternatives, which there are, umm, many, and uh, require that alternatives analysis to be... To be done. Umm, uh, so, with that, uh, I umm, yield my time for the next, next commenter and uh, thank... Thank you so much.

**Event Producer:** Thanks for your comments. Would Liz Kirkwood, please press pound two on your phone. Liz Kirkwood, please press pound two. Thank you. Kiana Courtney, please go ahead.

**Kiana Courtney:** Thank you for the opportunity to comment. My name is Kiana Courtney and I am a staff attorney at the Environmental Law and Policy Center. Umm, noting that we previously submitted comments with MICAN and for the last deadline and we'll supplement them for this one. Umm, so Enbridge is requesting a permit to construct a pipeline tunnel, umm, under the bed of the Straits of Mackinac. And as a pipeline whose purpose is to carry 23 million gallons of light crude and liquid natural... Light crude oil and liquid natural gas, there are inherent environmental risks that arise from this project. Accordingly, the Corps must look at both the effects of the tunnel and the pipeline. And we ask that in considering this application, the Corps do the following: First the Corps must conduct an Environmental Impact Statement under NEPA. The EIS should consider the



environmental effects of the pipeline as a whole. While the Corps has indicated that it is only focused on this segment of Line 5 and cannot regulate the risk of spills or leaks, the Corps should still take into consideration the environmental risks related to the whole pipeline, and potentially leaks and spills, because the Corps must consider the project's cumulative impact.

**Kiana Courtney:** This project allows for the continued operation of Line 5 for 99 years, that is almost a century of cumulative impact from this project. Second, the Corps should consider the implications of increasing greenhouse gas emissions from and on this project when determining the environmental harm and in consideration of the public interest. Lake Michigan has experienced increased flooding that will inevitably continue. The application should have considered these impact as it pertains to environmental protection as it will affect the project site and the, the construction's impact to the flora and fauna in the area. The construction and operation will also create their own greenhouse gas emissions. These are cumulative impacts the Corps should take into consideration. Greenhouse gas emissions have a measurable impact on our health, our economic activity, our quality of life and our overall well-being. Continuing the transport of light crude oil and nature gas for 99 years, especially when the state of Michigan is supposed to get to carbon neutrality by 2050, is not in the public interest.

**Kiana Courtney:** Furthermore, Enbridge's alternatives analysis also falls short because it presumes that the only option for reducing the odds of a spill in the Straits is to construct, uh, this tunnel, and does not explore other options that would reduce the environmental risk to the Straits. A full EIS must explore all of this in greater depth than the application. Lastly, the Corps should reject Enbridge's application because it interferes with cultural resources. There's been new information since the last comment deadline that there are, uh, tribal resources and artifacts on the bed of a Straits in this... In the project area. Construction of the tunnel would interfere with these resources. Overall Enbridge fails to provide adequate information in its application and fails to show that it will be in compliance with section 404 or Section 10. Due, uh, to and among... Due to the other concerns mentioned by other commenters, the inadequate analysis on cumulative impact and alternatives, and also combined with the greater harm to the environment and public interest, we ask that the Corps reject Enbridge's permit application as proposed. Thank you.

**Event Producer:** Thanks for your comments. Would Dave Greco III, please press pound two on your phone. Dave Greco III, please press pound two on your telephone. Jeff Towner. Please press pound two on your phone. Thank you. Ms. Kirkwood, please go ahead.

**Liz Kirkwood:** Thank you. My name is Liz Kirkwood, I'm the executive director of For Love of Water, a non-profit organization dedicated to advancing the interests of citizens and government in protecting public trust resources. The National Environmental Policy Act mandates environmental impact statements for all major projects that significantly affect the environment. The proposed tunnel is categorically a major project and it will significantly affect and endanger the human environment. The scale, wetlands, spill, landscape alteration, nearshore habitat, massive water withdraw, and chemical discharge of wastewater and spoils represent both major projects and significant effects to the human environment. I want to enumerate eight reasons why a full EIS is required to evaluate this proposed project.

**Liz Kirkwood:** First, the location of the tunnel is in the heart of the largest and most valuable fresh surface water system in the world. Two, the proposed project meets all 10 of the intensity factors indicating severity of impact under 40 CFR Section 1508.27. Meeting just one of these intensity

factors can necessitate an EIS. Three, the applicant indicates that the construction of the project will use five water treatment additives for slurry and conditioning, including bentonite, soda ash, carbon dioxide, sulfur acid, and... Sulphuric acid and a coagulant for removing suspended solids. Enbridge notes that additional polymer-based additives may be needed. The Corps must determine the composition of this additives and the risks posed by each of these chemicals.

**Liz Kirkwood:** Four, the proposed project will fill coastal wetlands, among the most biologically productive in the world. Over 90% of the rough... Roughly 200 fish species that occur in the Great Lakes are dependent on coastal wetlands. Five, independent experts who studied Enbridge's proposed tunnel plan concluded that it raised serious concerns regarding feasibility, integrity, and planning for the construction of the tunnel. More than 75% of the tunnel boring areas in very poor or poor quality rock conditions, the experts have warned, stating potential for explosions because of the presence of methane gas. Six, the State Historical Preservation Office has given notice that he recently disclosed evidence of potentially submerged prehistoric sites requires a full evaluation. Seven, Enbridge, to date, has not issued a credible estimate of project costs. The original estimate of 500 million was for a tunnel with a 10-foot diameter. The proposed project would have an 18 to 21-foot diameter requiring the excavation and disposition of four times the material compared to the original proposal.

**Liz Kirkwood:** Eight, and final, Enbridge is explicit in indicating that the proposed project would extend the life of Line 5 for 99 years. It will transport 23 million gallons of oil and natural gas liquids daily, that when burned will yield over 57 million metric tons of atmospheric carbon annually, more carbon than is emitted by the nation's three largest coal plants combined. This long-term investment in fossil fuels invest... Infrastructure is directly at odds with the broad scientific consensus that immediate steps must be taken to decarbonize the economy to avoid the most catastrophic effects of climate change. It's difficult to conceive of a project more worthy of a full environmental statement. Thank you.

**Event Producer:** Thank you for your comments. Whitney Gravelle, please press pound two on your phone. Whitney Gravelle, please press pound two. Thank you. Jeff Towner, please go ahead. Mr. Towner, please make sure your phone isn't set to mute.

**Jeff Towner:** Hello?

**Event Producer:** Yes, we can hear you.

**Jeff Towner:** Thank you. My name is Jeff Towner, I'm a resident of Marquette County in the Upper Peninsula. I appreciate the job that the Regulatory Branch and the District Engineer have in rendering of this decision on a highly controversial project such as the Line 5 tunnel. I was formerly Chief of the Regulatory Branch in Chicago District, Assistant Chief of the Environmental Analysis branch in Detroit District, which included supervising a team that prepared the NEPA and decision documents for the Regulatory Branch, and Chief of the Enforcement Section in Alaska District. The program has evolved since I was part of it, but I do understand the responsibilities you carry and I appreciate the job that you all do. In the scope of analysis section of the notice of this public hearing and in Ms. Otanez's intro, the statement was made, "The Corps does not have the authority to regulate the operation of oil and gas pipelines or to address spills or leaks from oil and gas pipelines." Nevertheless, I believe that your public interest review must include a rigorous independent analysis of the long-term operation of this tunnel, including the risk of a major failure

of the tunnel and pipeline and of the probability of a major oil leak into the Great Lakes. Relying on a risk analysis performed by the applicant is not sufficient.

**Jeff Towner:** It seems to me that the Corps' decision on this proposal is a major federal action pursuant to NEPA. To grant a permit for this proposal based on an EA would be inappropriate. Only an EIS with its more detailed analysis and opportunity for agency and public input suffices to satisfy the requirements of NEPA with regard to this proposal. As you know, the Corps need not first prepare an EA. I strongly encourage you to go directly to preparation of an EIS. The alternatives submitted by Enbridge are insufficient. The no-action alternative of leaving the existing twin pipelines in place is not practicable considering the deterioration of the pipeline, ineffective pipeline anchors, and the potential for additional ship anchor strikes. The only other so-called alternatives discussed by Enbridge are the locations of the entry and exit points and location of the tunnel. Those are not alternatives to the project. I urge the Corps to develop at least one additional practicable alternative. For example, why does Enbridge need to cross Michigan at all? Canada has an extensive network of existing pipelines. The Corps could develop an alternative that involves skirting Lakes Superior and Huron to access Sarnia or another refinery farther east in Canada.

**Jeff Towner:** To sum up, this proposal by Enbridge poses various substantial risks of harm to the Great Lakes and the people of the United States, including to Native American Treaty Fishing Rights, which renders this proposal contrary to the public interest. In your regulations of 33 CFR 320.4 in the Public Interest Review, the Corps' charge is to weigh the relative extent of the public and private need or the proposed structure or work. I submit to you that there is very little public need, at least in the United States, for this project. For the reasons stated, I urge you to make the only decision on this application that strikes the proper balance between this proposal's limited benefits versus its reasonably foreseeable detriments, and that decision is denial with prejudice. Thank you for the opportunity to comment.

**Event Producer:** Thank you so much for your comments. At this time, would Dawson Barnes, please press pound two on your phone. Dawson Barnes, please press pound two. Thank you. Whitney Gravelle, please go ahead.

**Whitney Gravelle:** Good afternoon. My name is Whitney Gravelle. As in-house counsel, I offer this comments behalf of the sovereign nation Bay Mills Indian Community. Bay Mills Indian community is a signatory of the 1836 Treaty of Washington which ceded territory to the United States for the creation of the State of Michigan. In that treaty, Bay Mills reserved the right to fish, hunt and gather throughout the ceded territory, including in the Great Lakes in the Straits of Mackinac. As a sovereign government with responsibility for managing and protecting the Great Lakes, Bay Mills Indian Community opposes placing of Line 5 in a tunnel beneath the Straits of Mackinac. Line 5 has been an ongoing threat to our treaty rights, which are the supreme law of the land, since it was built in 1953. Governor Whitmer's decision to revoke the easement for Line 5 results in significantly changed circumstances that require the Army Corps of Engineers to deny the permit applications for the Line 5 Tunnel Project.

**Whitney Gravelle:** Bay Mills Indian community has grave concerns regarding the inadequacies of a public process where a permit applicant continues to submit materials after the comment deadline. Not only has Enbridge continued to fail to provide adequate information and answers within the current permit materials, the biological assessment submitted by Enbridge is incomplete, the action area in the submitted document is inadequately defined, and therefore, any effect on threatened and

endangered species is premature. Geotechnical concerns remain unanswered by Enbridge including answers about possible methane leeching, how Enbridge will contain sediment or bentonite spills if the tunnel collapses, and whether or not the tunnel is supported within the Straits of Mackinac's solid bedrock. In addition, Enbridge has still not answered for their actions in submitting flawed and inaccurate information for a prior permit. A whistleblower technician has notified the public in a letter to the State Historic Preservation Office that Enbridge's cultural survey ignored relevant evidence of cultural sites and prehistoric use, even after the technician brought this evidence forward. The State Historic Preservation Office has also raised additional concerns for cultural resources related to the tunnel project.

**Whitney Gravelle:** Furthermore, as noted by the other commenters, the notice of the termination and revocation of the 1953 easement exposes a fatal flaw in Enbridge's application, a failure to provide alternatives. Enbridge's prior alternatives assessment only provided two options, the tunnel or continued operation of the dual pipeline. After the easement revocation is operationalized, there will be no alternatives to the tunnel. Under this new scenario, Enbridge's alternative analysis does not meet the legal standards required by the Army Corps and their permit application process. All of this information demands public review and involvement as there is not an agency at the state or federal level that will verify or certify the feasibility of the tunnel project. No one but the public will make sure that this tunnel is actually safe beneath the Straits of Mackinac. This burden has instead been placed on us, on the public, and the public should be given adequate time and opportunity to respond and ensure submission by Enbridge of their accuracy and reliability, because no one else is. Given the risk and harm to species, economy, wetlands, water quality, cultural resources, and most of all, tribal treaty rights which are supreme law of the land, Line 5 is a pipeline that should be decommissioned as quickly as possible, and a tunnel project that should not be granted a permit. Miigwetch, thank you.

**Event Producer:** Thank you for your comments. Would Phyllis Hasbrouck, please press pound two on your phone. Phyllis Hasbrouck, please press pound two on your telephone. Rich Freeling, please press pound two or hashtag two. Rich Freeling, please press pound two on your phone. Mary Myers, please press pound two on your telephone. Mary Myers, thank you very much. Dawson Barnes, please go ahead.

**Dawson Barnes:** Hello. My name is Dawson Barnes, and I'm a current resident of Grand Blanc, Michigan. My whole life, I've enjoyed the lakes in and around our beautiful state. They're a source of commercial trade, fresh water and boundless recreation. It is even in our name, the Great Lake State. As residents of the mitten, I do not support the permit for Enbridge. The oil and natural gas may last 50, maybe hundreds of years. However, a well-maintained body of water can be enjoyed and respected as a sustainable resource for thousands of years, perhaps, millions. Besides the chance of our lakes being polluted and possibly destroyed, this also comes down to safety. If any project is not up to code or is unsafe or unfit for the environment and the public, said structure's social, ecological and cultural impact needs to be inspected and reviewed. Companies need to be held accountable for their actions. Please do not allow Enbridge to violate our trust and our water. Please do not approve their permit. Thank you, and I yield the remainder of my time.

**Event Producer:** Thanks so much for your comments today. At this time... Excuse me, at this time would John Dulmes, D-U-L-M-E-S, please press pound two on your phone. John Dulmes or Dulmes, D-U-L-M-E-S, please press pound two on your phone. Mark Griffin, please press pound two on your telephone at this time. Thank you. Mary Myers, please go ahead.

[pause]

**Event Producer:** Hi, please make sure your phone isn't set to mute.

[pause]

**Event Producer:** Mary Myers, please make sure your phone isn't set to mute. Your line is open.

[pause]

**Event Producer:** Is this Rich Freeling?

[pause]

**Event Producer:** All right, I'm just going to mute your line at this time. We will come back to you in just a moment. Mark Griffin, please go ahead.

**Mary Myers:** Hello? Can you hear me now?

**Event Producer:** Yes, we can.

**Mary Myers:** Okay. I'm so sorry.

**Event Producer:** Is this Ms. Myers?

**Mary Myers:** Yes, this is. Yes, it is I was muted. My name is Mary Myers, I work for the Lake Superior Community Partnership, which is a private-public partnership in Marquette County, Michigan, whose mission is focused on the promotion and advancement of economic development. We are an accredited economic development organization through the International Economic Development Council and serve as Marquette County's leading resource for economic development. The LSCP is committed to facilitating job creation, retaining existing business, assisting with business growth, and attracting new businesses to our region. Our partner businesses, 400 strong, are committed to this mission through the investment of time and resources. We would like to urge you to approve Enbridge's application to build the Great Lakes tunnel under the Straits of Mackinac to replace the Line 5 Pipeline within it, as the utility corridor is the most practical long-term solution to deliver a secure energy supply to residents and businesses of the Upper Peninsula.

**Mary Myers:** The following points further solidify our points, as Line 5 serves approximately 65% of the propane used in the Upper Peninsula in Northern Michigan, for which no viable alternative exists, supplies Michigan and regional refineries that provide Michigan with various fuels that Michigan residents rely on in their day-to-day lives. For example, these refineries served by Line 5 supply a large percentage of the aviation fuel at Detroit's Metropolitan Airport, which is an important contributor to the State's economy. I would be remiss if I didn't also mention that Enbridge pays approximately \$2.7 million in taxes to the Upper Peninsula, and over \$60 million statewide, supporting the many services provided to us by our local municipalities.

**Mary Myers:** The proposed concrete-walled tunnel reduces the risk of a spill in the Straits to 0 and

Enbridge has committed to pay for the construction and operation of the tunnel, allowing for the project to move quickly. The environmental impacts of the tunnel's construction have been greatly minimized and construction and operation will not disturb the lake bottom or affect any aquatic wildlife and sediment. Delays to the tunnel approval process are delays to leaving the pipeline in the water when there is no better common sense answer in building the tunnel. It's with these that we, umm... These comments that we mentioned that we would like to support the Great Lakes Tunnel application, and I just want to thank you for the opportunity to comment.

**Event Producer:** Thank you for your comments.

[pause]

**Event Producer:** Is this Mark Griffin?

[pause]

**Event Producer:** Hi, I've just unmuted your line. Is this Mark Griffin?

[pause]

**Event Producer:** Would Charles Owens, please press pound two on your phone?

[pause]

**Event Producer:** Thank you. Michael Alaimo, please press pound two on your phone. Michael Alaimo, thank you very much. Mr. Owens, please go ahead.

**Charles Owens:** Thank you. My name is Charles Owens. I'm the State Director in Michigan for the NFIB, the National Federation of Independent Business. We are here to express our support for the proposed Enbridge Line 5 Pipeline Tunnel. We are an incorporated non-profit association; we have about 10,000 small business members in the State of Michigan, and hundreds of thousands of small business members across America. Our mission is to preserve and protect the ability of Americans to own, operate and grow their businesses, and to ensure that their voice is heard in public policy issues such as this one. My testimony today is to emphasize and give voice to written comments that I provided, uh, on the Line 5 project back in July to the Corps of Engineers. The Line 5 Pipeline Tunnel project has been... Has the support of a broad coalition that includes businesses of all sizes, organized labor, local government leaders, and Lansing lawmakers from both political parties. We determine our policy positions on issues such as this by surveying our members. On this issue, the results of our survey found that 73% of Michigan small business members support moving forward with the planned upgrades to the Line 5 pipeline.

**Charles Owens:** Small business owners understand the need to balance the Safety and Environmental concerns of Line 5, but they also understand the importance of preserving a vital energy resource for our state. Now, let me just say here that our membership is a broad cross-section of businesses in the state, in retail, manufacturing, industrial and many of our members' livelihoods depend on the protection of the Great Lakes in industries like tourism, hotels, restaurants, resorts, camping and the many businesses that support those industries as well. These, and other sectors, we represent such as manufacturing and transportation, also need reliable and

affordable energy to operate. They would not support this proposed project if they did not feel strongly, that it accomplishes the goal of balancing natural resource concerns with the need for the continued operation of the Line 5 pipeline. Suggestions that the pipeline should be shut down completely are not practical.

**Charles Owens:** A lot of the folks that express concern for the environment, uh, seem to turn a blind eye towards the increased traffic that would be necessary in both trucks and trains and other modes of transportation that are much riskier relative to the environment, and frankly to personal safety. Michigan is a large consumer of propane and the residential winter heating in the Upper Peninsula is very dependent on propane, much of which would be delivered by this pipeline. So we appreciate this opportunity to comment and we urge the Corps of Engineers to allow this important project to move forward without further delay. Thank you.

**Event Producer:** Thank you so much for your comments today. Would Kate Madigan, please press pound two on your phone? Michael Alaimo, please go ahead.

**Michael Alaimo:** Yes, thank you. Uh, Michael Alaimo, Director of Energy and Environmental Affairs for the Michigan Chamber of Commerce. Thanks for the opportunity to speak to you today. Uh, the Michigan Chamber of Commerce has long been in favor of reasonable and necessary regulation of oil and gas pipelines to protect the Great Lakes public health and the environment. For that reason, we strongly support Enbridge Energy's proposed pipeline tunnel under the Straits of Mackinac between Mackinaw City and St. Ignace, Michigan. The Michigan Chamber of Commerce is Michigan's leading statewide business advocacy organization, and on the job every day standing up for job providers. The Chamber is the unified voice of over 5000 member employers, trade associations and local Chambers of Commerce of every size and type in all 83 counties of the state. The Great Lakes Tunnel Project will play a vital role in the process... In, in the process of job creation and energy security for years and decades to come. We strongly support its construction.

**Michael Alaimo:** The Great Lakes tunnel is without question the most practical long-term solution for delivering a secure energy supply to the region while enhancing environmental safeguards in the Straits of Mackinac. We're also pleased that the \$500 million project is being funded entirely by Enbridge without a dime of taxpayer dollars. The tunnel will replace a portion of Line 5, the twin pipelines that cross beneath the Straits along the bottom of the lakebed. It truly delivers the fuel that helps keep the homes warm, uh, keeps homes warm and Michigan economy moving. According to independent studies, the tunnel will make the risk of an oil spill from the Line 5 virtually zero. The project will create hundreds of skilled trades jobs and protect thousands more in industries across Michigan. In fact, the tunnel project will supply the fuel that supports more than 47,000 direct and indirect jobs in our state. Hundreds of millions of dollars in capital investment, tens of million of dollars in tax revenue our communities rely on, and more.

**Michael Alaimo:** Michigan tourism industry is a key part of the state's economy, and the Michigan Chamber of Commerce is proud to represent hundreds of employers, and their employees who rely on tourism as well as the health and beauty of the Great Lakes to make their living. That's why upon reviewing Enbridge's permit application, we were particularly encouraged by the importance the company places on protecting the water, the lakebed, and the surrounding communities. Environmental impacts of tunnel construction have been greatly minimized, and construction and operation will not disturb the lake bottom or affect any aquatic wildlife and sediment. All water necessary... All water necessary to support the construction and operation of the tunnel will be

treated and monitored prior to on-site discharge. There will be water withdrawals and, and treated wastewater discharge as part of the project, but it won't be continuous and all wastewater will be treated in accordance with all applicable state standards and guidelines. Placing the tunnel deep under the lakebed provides multiple layers of protection, safeguarding the Straits area from the risk of an oil spill, protecting our Great Lakes' ecosystem and mitigating wetland impacts.

**Michael Alaimo:** In fact, the application makes clear the Enbridge has reduced wetland impacts from more than 20 acres down to one-tenth of an acre. Each of these steps is important for chamber members who counted on the lakes and tourism for both their lifestyle and their livelihoods. The tunnel represents the safest, most affordable way to transport fuel. Numerous studies of delivery alternatives, including those commissioned by the state of Michigan have found no better way than Line 5 to provide the energy needed in the Upper Peninsula and across the state. And it is for this reason that we support the project. Thank you so much for allowing, uh, me to speak again.

**Event Producer:** Thank you for your comments. At this time, would Joe Stevens please press pound two on your phone? Joe Stevens, please press pound two. Thank you. Kate Madigan, please go ahead.

**Kate Madigan:** Good afternoon. I am Kate Madigan, director of the Michigan Climate Action Network. We have over 50 member groups in Michigan and tens of thousands of individuals. Thank you for holding this hearing today. We have also submitted written comments with the Environmental Law and Policy Center. I urge you to deny Enbridge Energy's permit application for a proposed pipeline tunnel under the Straits of Mackinac, and I urge you to require a full Environmental Impact Statement for several reasons. The proposed tunnel is associated with a 99-year lease. Approving this tunnel would extend the life of this pipeline for up to 99 more years, a pipeline that carries millions of gallons of climate harming fossil fuels every day. The enormous life cycle greenhouse gas emissions associated with the continued transportation of oil and gas through the pipeline would contribute significantly to climate change at a time when leading scientists determine we must cut emissions in half within a decade and to zero by mid-century.

**Kate Madigan:** This tunnel project would exacerbate the negative climate impacts that Michigan is already experiencing, including rapid changes to Great Lakes water level, record flooding that has damaged homes and forced people to relocate, extreme weather events and increased pressure on infrastructure such as dams. These climate effects and the health impacts resulting from the pollution from these fuels disproportionately impacts vulnerable communities. These impacts must be considered. Enbridge has completely failed to mention the impact on climate change or any information about the company's efforts to mitigate the project's impact on climate change. Due to the lack of information about the climate risks proposed by this project, the Army Corps of Engineers should deny this application.

**Kate Madigan:** Enbridge's application also should be denied because it fails several aspects of the analysis required under the Clean Water Act, including failing to even consider the alternatives of eliminating the use of the pipelines in the Great Lakes entirely without replacing it. Other independent analyses have found this to be a viable alternative, and the only alternative that eliminates the risk of a Great Lakes oil spill. This application fails to demonstrate that the tunnel is in the public interest. And in fact, the opposite is true. Approval of this project would be a commitment to the continued operation of Line 5, where it would put at risk the country's largest fresh water resource. A spill would have devastating indirect, direct, and cumulative environmental



impacts and would impair or destroy the tribal fishing rights of the 1836 Treaty. Finally, the Army Corps of Engineers must conduct a full Environmental Impact Statement under NEPA to assess the environmental effects of this project, including the climate impacts before any further action. Without the complete analysis of the impacts in the application, the Corps should reject the application. Thank you for consideration of these comments.

**Event Producer:** Thank you for your comments today. Would Nancy Skinner please press pound two on your phone? Nancy Skinner, please press pound two. Randall Fernandez, please press pound two on your phone. Randall Fernandez. Thank you. Mr. Stevens, please go ahead.

**Joe Stevens:** Uh, thank you, uh, for this opportunity to speak. Uh, good afternoon everybody. I, uh, would... Please approve... Please approve Enbridge's application to place the Line 5 pipeline within the deep tunnel below the Straits of Mackinac. Environmental impact of the tunnel's construction have been greatly minimized and construction operation will not disturb the lake bottom, or affect any aquatic wildlife and sediments. I'm reading some bullet points that some other people have indicated. Several independent studies have affirmed Michigan's reliance on Line 5 to provide more than 65% of the propane to the UP, and that's critical to us here in the UP, and more than 50% of the propane to the entire state. Line 5 transports much of Michigan's home state product for those crude oil to refineries supporting hundreds of small business and supporting tens of thousands of oil product producer jobs. Line 5 is critical to our energy infrastructure and to safely deliver products to refineries in Michigan, Ohio, Pennsylvania and Ontario, where it is processed into every day fuels and other petrol-based products. Our county board, which comprises of five elected officials supports going forward with the Line 5 and building tunnel and we will continue to fight for what's best for not only Michigan, but for the UP. So we approve the permitting process to go forward. Thank you for this opportunity.

**Event Producer:** Mr. Stevens, which organization do you represent?

**Joe Stevens:** Dickinson County.

**Event Producer:** Thank you very much and thank you for your comments today.

**Joe Stevens:** You're welcome.

**Event Producer:** Would Robin Lloyd, please press pound two on your phone?

**Randall Fernandez:** Yes, this is Randall Fernandez, City Manager of Marysville, Michigan, can you hear me?

**Event Producer:** Yes, we can.

**Randall Fernandez:** Thank you for your time today. Again, uh, hearing everyone... As you know, it's a very controversial, uh, topic. Hopefully, reasonable people can come to reasonable conclusions, but the City of Marysville supports Enbridge in the building of this tunnel, so we hope Army Corps will grant the proper permits. I know a lot of people have a negative thought when they think of Enbridge pipeline, but in Marysville, we just had, uh, the pipeline replaced going from Marysville, Michigan, uh, over to the Sarnia, uh, Chatham, Ontario. Uh, they met with my mayor and Council, they met with me, they met with our residents. Uh, they did what they said they were

going to do. Uh, everyone was informed. Uh, they cleaned up after themselves. Uh, I never took one call negatively, uh, that they weren't following proper procedures or residents, uh, were upset, so, you know.

**Randall Fernandez:** I don't live up north, but I do have first-hand knowledge of working side-by-side with this company, and I, I can't or will not say anything negative about that, because our experience in Marysville, Michigan, a city of 10,000, uh, uh, has been, uh, all above board. Again, uh, a great company, uh, to work with. So, uh, we, we respectfully ask the Army Corps to grant the permits, we do want every one. I think... I think Enbridge realizes that they're gonna be held more accountable than probably any other business in America. You should hold them accountable. Having said that, at the end of the day, please grant the permits that they need to move this project forward. And I thank you for your time.

**Event Producer:** Thank you for your comments today. Would Robin Lloyd please press pound two on your phone. Robin Lloyd, please press pound two. Christian Ziegler, please press pound two on your phone. And would Mary Ellen Mika or Mika, M-I-K-A please press pound two on your phone. Mary Ellen Mika, please press pound two. Christian Ziegler please go ahead. Hi, your line is open, please make sure your phone isn't set to mute.

**Chris Ziegler:** Good afternoon, my name is, uh, Chris Ziegler, I'm the, an Executive Director within the state government relations division of the American Petroleum Institute or API. Thank you for the opportunity to address you today. The API represents all segments of America's oil and natural gas industry. Our roughly 600 members produce, process, and transport most of the nation's energy. The industry supports more than 10 million US jobs and is backed by a growing grassroots movement of Americans. The API was formed in 1919 as a standard setting organization. In our first 100 years, API has developed more than 700 standards to enhance operational and environmental safety efficiency and sustainability. The API and its member companies support the prompt approval of the permits and authorizations needed for Enbridge's Line 5 Great Lakes Tunnel Project to move forward. Safety is a core value throughout every aspect of our industries operations. Pipelines are the safest way to transport the natural gas and oil that Americans use every day, and consumers, whether hospitals, schools, emergency responders, manufacturers, or families, have an expectation that energy will be there when they need it.

**Chris Ziegler:** Pipelines and other energy infrastructure are critical to providing the energy security, and we provide... And we pride ourselves on working with regulators to promote the safety of the community and the environment. For more than six decades, Enbridge's Line 5 has delivered reliable and affordable energy to businesses and consumers. From the gasoline that fuels the transportation system, the natural gas liquids used in the manufacturing of pharmaceuticals, the propane that heats homes, hospitals, and schools, Line 5 has been the most efficient and safest way for Michiganders to obtain the energy and raw materials they use every day. The Great Lakes Tunnel Project is a key component of the agreements reached between the State of Michigan and Enbridge in 2018. Subsequently, the state legislature passed legislation that created the Mackinac Straits Corridor Authority to oversee the construction and ultimate ownership of the Great Lakes Tunnel.

**Chris Ziegler:** The Great Lakes Tunnel will enhance the safety and reliability of Line 5 in the Straits by housing a replacement segment 100 feet below the lakebed. This offers the greatest possible safeguards to Lake Michigan, while ensuring the region continues to receive essential

energy. The Great Lakes Tunnel Project is a \$500 million private investment that underscores Enbridge's commitment to the region's future. The jobs and tax revenue's attributed to Line 5 will benefit the region's economy, particularly in the current challenging financial times. Additionally, Line 5 has safely delivered products to refineries in Michigan, Ohio, Pennsylvania, and Ontario for decades, making it integral to the economies of other states as well. Our industry is committed to safely delivering its products to market without incident. By employing robust and holistic safety practices, the Great Lakes Tunnel will continue the safe and reliable delivery of potential energy supplied to the region. We urge the Corps to approve the necessary permits to advance this project without delay. Thank you for your time and opportunity to comment.

**Event Producer:** Thank you for your comments. Would Chris Ventura please press pound two on your phone. Chris Ventura, please press pound two on your telephone. Mary Ellen Mika or Mika, I apologize. Please go ahead.

**Mary Ellen Mika:** Thank you. Umm, hello, my name is Mary Ellen Mika. I've been working professionally in the environmental field, representing industry for more than 30 years, and I recommend strongly that the Army Corps of Engineers reject Enbridge's proposal to build a tunnel, or at a very minimum, do a full Environmental Impact Statement under NEPA. And umm, from a water quality perspective, I am concerned about the stark contrast in requirements to which manufacturers in the US are subject when it comes to protecting groundwater and surface water quality versus what oil transportation companies such as Enbridge are apparently subject. And umm we're talking part per million levels of potential contamination for which manufacturers will typically have to spend millions of dollars on clean up projects versus the over million gallons of oil that had to be umm, pulled out of the Kalamazoo River due to Enbridge's spill back in 2010. So I'm very concerned about the safety of the continued operation of the pipeline, with or without a tunnel, highly recommend an Environmental Impact Statement.

**Mary Ellen Mika:** And on a final note, personal note, I'm an open water swimmer, I swam, umm, in 2019 three miles under the bridge, and I want to tell you that it is the most beautiful, cleanest water. It is far, far cleaner than any other water I have ever swam in, in Lake Michigan, and it is just a tragedy to think of that possibly being harmed. So thank you.

**Event Producer:** Thank you for your comments today. At this time, will Anna Fisher, please press pound two on your phone. Anna Fisher, please press pound two. Chris Ventura. Please go ahead.

**Chris Ventura:** Good afternoon, uh, Chris Ventura, uh, speaking on behalf of Consumer Energy Alliance. On behalf of Consumer Energy Alliance and our 82,000 members in the Great Lakes region, I'd like to thank the US Army Corps of Engineers for receiving public comments on the Line 5 tunnel projects. Founded in 2006, CEA is a non-partisan, non-profit organization advocating for balanced energy and environmental policies and responsible access to our resources. We represent virtually every sector of the US economy, from the iron and steel industry to truckers, airlines, agriculture, labor organizations, restaurants, small businesses and families all across the nation that are concerned about US energy policies, energy security and long-term price and supply stability.

**Chris Ventura:** Our members support a rational, all-of-the-above energy policy that utilizes all of our domestic natural resources, both traditional and renewable, while ensuring common sense environmental protections are in place. We support all actions that advance our nation towards a

cleaner, more environmentally responsible energy future. We believe that responsible policies always consider the needs of consumers while leveraging and supporting the development of state-of-art technology to improve our environmental stewardship and aiding in the continued reduction of oil emissions. One such project that will ensure this is the Line 5 Tunnel project. It will protect Michigan's consumers and consumers from neighboring states from price increases in everything from gasoline and diesel to propane, while protecting our Great Lakes.

**Chris Ventura:** This tunnel will be located in solid bedrock at the 200 feet below the lakebed, lined with reinforced concrete, completely eliminating the threat caused by anchors and weather conditions. According to an independent state-commissioned alternatives analysis, shutting down the current pipeline without the tunnel project will force higher energy prices on Michigan families and businesses at a cost of over \$200 million per year. Moreover, the independent analysis found the only other way to meet these daily demands is to put the energy equivalent of Line 5 under 2000 trucks or 800 railcars each and every day.

**Chris Ventura:** More than impacting Michigan, our region's refining system also relies on the energy delivered by Line 5, supporting over 1000 direct union jobs just in Northwest Ohio. As with any critical infrastructure project, extensive surveys and comprehensive planning are used to minimize environmental impact, especially the impact on waterways. Utilizing modern advanced construction techniques allows for a temporary footprint during construction with full environmental restoration upon completion. As a result, the plans developed for this project demonstrate a continued commitment to safeguarding our Great Lakes. Thank you again for the opportunity to comment on this important and critical infrastructure project. The Line 5 tunnel is necessary to maintain access to the essential energy Michigan and our region requires in the most environmentally sustainable way possible. We appreciate the opportunity to provide these comments and urge the Army Corps to authorize the necessary permits to allow for the Line 5 tunnel project to move forward in a timely manner. Thank you.

**Event Producer:** Thank you for your comments. Would representative Sara Cambensy, please press pound two on your phone? Representative Sara Cambensy. Thank you. Anna Fisher, please go ahead.

**Anna Fisher:** Hi. Before I start with my prepared comments, I'd like to make a comment about the accessibility challenges of this meeting. They are and have been problematic. I am not a novice to technological ways of meeting during the pandemic. I'm not unfamiliar with several methods of meeting. The process of trying to connect and stay connected to this meeting has been unduly difficult. The call has dropped numerous times. I haven't had problem of this nature with any other method of meeting in the past 10 months. For the time that I've gotten connected, I've heard many names called who haven't stepped up to speak, and I have to conclude that they, like me, have had difficulty connecting and staying connected. Therefore, I want to conclude that this hearing is not in compliance with the mandate to allow the public to comment. Now, I'll start with my prepared comments.

**Anna Fisher:** My name is Anna Fisher, I am with Lansing Environmental Action Team. I speak for our full membership when I say that the permanent... Permit should be denied. And if further consideration is to be given to this immoral proposal, at the very least, a full Environmental Impact Statement should be conducted. I say it is immoral because of the climate emergency we are now facing. To give serious consideration to this permit is to put your head in the sand, ignoring all the

scientific warnings. Just last week, Antonio Guterres, the chief of the United Nation, said, "Humanity is raging war on nature. This is suicidal. Nature always strikes back and is doing so with growing force and fury."

**Anna Fisher:** He said this in the context of encouraging all the nations of the world to commit to carbon neutrality by 2050, which in my opinion, is not soon enough, but the United Nations is moving in the right direction. To grant this permit is moving in the wrong direction, against the well-being of the people of Michigan and against the serious and moral steps we need to take to prevent the excavating effects of climate change. It is shocking to me that this... That in the face of the rising temperatures year after year that we're even considering a project whose sole purpose is wrapped up in the extraction of oil and gas. Just last week, Denmark joined other countries by committing to halt all oil and gas production. Countries around the world are doing this. NEPA requires that alternatives be considered, and Enbridge has failed to adequately explore alternatives to this project.

**Anna Fisher:** There are adverse effects of this permit... If this permit is granted. This would entrust the integrity of the Great Lakes to Enbridge, a company that has already demonstrated it cannot be trusted. There are numerous sources and harm. Chief among them is Kalamazoo River spill of 2010, but secondly, the harm being committed right now as we speak, is their refusal to listen to the people of Michigan. I've been opposing this pipeline for years. I've traveled all over the state, I've spoken to numerous electives, I've met several of the commenters on this call, and I've met and listened to our indigenous brothers and sisters who rely on our government to honor the treaties that have been made. And I can say with 100% certainty that the overwhelming sentiment of Michiganders is that we do not want this pipeline. The harm being done is Enbridge's refusal to listen to the people of Michigan and run roughshod over our concerns and help sustainability of the Great Lakes in the name of their own profit.

**Anna Fisher:** Governor Whitmer's, overwhelming victory in 2018 was supported in large part by her commitment to shut down this pipeline. The people of Michigan do not want this tunnel, period. And I think the most compelling thing I've heard on this call so far is that several representatives from various counties and municipalities have said, "Enbridge has given us this amount of million dollars". I've heard that over and over on this call, and I think that cities and counties are suffering economically, but they should not have to make a deal with the devil in order to get the money that they need. We urge you to reject this permit. If you insist on pursuing the immoral project, I have to insist that you conduct a full Environmental Impact Statement. Thank you for the opportunity to speak.

**Event Producer:** Thank you for your comments today. At this time, would Lee Graham, please press pound two on your phone? Lee Graham, please press pound two on your phone. Representative Cambensy, please go ahead. Hi, please make sure your phone isn't set to mute.

**Representative Sara Cambensy:** Oh, thank you. I represent Marquette, Schoolcraft, Alger and Luce counties in Upper Peninsula, and in 2018, I was one of 14 Democrats as a legislator to vote in favor of the tunnel authority. I support the tunnel authority and project moving forward because it's evidence that Line 5 does serve a public purpose. In 1953, there was both a presidential order and MPSC order and permit approved. I fully support and urge the Army Corps of Engineers to approve the permit application. Starting under former Governor Snyder, his administration department spent several years studying the best solutions to minimize the risk of an oil spill for protecting our Great

Lakes through the straits of Mackinac. If you listen to the concerns of the environmental community who came and wanted a double wall or not at all solution, and found the solution that satisfies both our need to have affordable access to propane and other NGLS that Michigan utilizes off this line while minimizing that risk of oil.

**Representative Sara Cambensy:** It's virtually zero with the tunnel project. Knowing that moving oil through pipelines is the safest way to transport the material, it's unfortunate that we're at this point where our environmental groups have moved the goal posts and change their stance to either no oil at all or basing the decision off of climate change, when we know that the biggest threat to climate change is our own use, everyone on this call who utilizes and drives their vehicles each and every day. It is truly damaging that our Governor continues to push the same demand that we shut the line down immediately with no alternative plan. No plan of how to alternatively transport the propane, the companies who will haul it, no plan for the disruption periods to residents and businesses, no plan of who will truck it and the cost of infrastructure needed.

**Representative Sara Cambensy:** How we will deal with law suits from other states who are part of the same pipeline or other countries, which both are international agreements through NAFTA, and now the USMCA, both contain clauses to protect by national and international energy security agreements. The same would hold true if it was a massive solar project that both countries shared or even a wind project. It is extremely irresponsible for any leader to play politics with our state and nation's energy security. We have found a solution to minimize the risk. And again, there is no alternative plan being brought forward by these environmental groups or a Governor at this time. Imagine if Texas no longer wanted to assume the responsibility of risk as a state to supply our nation's crude oil that we use every day, even in the north part of our country to fuel our vehicles. We can't go rogue. We have to all come to the table and have a solution. We have found that solution, and again, I urge the USACE to approve the permit. Thank you.

**Event Producer:** Thank you for your comments today. Will Douglas Rexroat please press pound two on your phone? Douglas Rexroat, R-E-X-R-O-A-T, please press pound two on your phone. Representative-elect John Damoose, please press pound two on your phone. Thank you, Lee Graham. Please go ahead.

**Lee Graham:** Uh, good afternoon, my name is Lee Graham, and I'm the Executive Director of the Operating Engineers, Labor Management Education Committee or the LMEC. For those who don't know, we are the organization representing almost 15,000 heavy equipment operators, among others, around the entire state from Marquette to Monroe. That means our members are the ones repairing and rebuilding the roads and bridges throughout the state. We build power plants, wind farms, airports, skyscrapers, and yes, we build pipelines. Finally, my role as the LMEC director is to work directly with management to coordinate, expand both our Department of Labor, accredited training programs, and our workforce development efforts. We partner to identify and attract the next generation of skilled tradespeople, who'll be the ones completing the infrastructure work we are so in need of. This is an effort that all of us in the skilled trades are invested in. We know how important it is going to be to build that next generation of skilled tradespeople to lift up Michigan.

**Lee Graham:** Our investment in education, training, and safety is second to none. We can see it from dozens of career events that we take part in all across the state, to the expanse from investment of our career centers we have made. At 324, we have three campuses in Michigan: Detroit, Gladstone, and our 555-acre, state-of-the-art construction career center in Howell, Michigan. Every

spring, thousands of students visit the center for the Michigan instruction career days and a hands-on event where 7th to 12th grade students get to try their hands on the tools that are careers in the professional trade that they require. These students are tomorrow's skill trades workforce, they will be the ones rebuilding our infrastructure. It is imperative that we encourage and support these students and introduce... And interest them in these rewarding careers. Our skilled trades in Michigan have investments in dozens of communities, and we are your neighbors, your supporters and your constituents. But the most important, critical requirement to see the next generation of skilled tradespeople enter our workforce and have long, successful, family-sustaining careers, is work itself, and that brings us to the Great Lakes tunnel.

**Lee Graham:** When a project of this magnitude is considered, it is obvious that it would be and would have interest, unique interest. The building of this tunnel will provide hundreds of workers in an opportunity to work on one of the greatest projects of our time. Tunneling and pipelining is skilled work, and to do it successfully requires the most trained and most professional workers. We know that the building of this tunnel and pipeline will employ some of the greatest tradespeople Michigan has to offer. We also know many of them will be operating engineers. Hundreds of the skilled tradespeople from our communities will be working on this project, and if that was the only impact on us it would be enough. We know putting the pipeline into the state-of-the-art concrete tunnel under the Straits is better for the lakes. By encasing the line in a, in a tunnel, we can safely remove it from the lakebed. We can give greater access to the line, and we can protect the environment as well as the future of energy distribution for Michigan, for Ohio and for the United States.

**Lee Graham:** There also an unseen advantage here as well, Line 5 transports fuel, the fuel it takes to operate the equipment we use every day in rebuilding Michigan's roads and bridges. Several studies have already shown that an interruption in the service of Line 5 would have serious economic impact on the cost of fuel in Michigan. It takes fuel to operate the dozers, the excavators, the cranes, and the trucks necessary to make the roads safe for our families to drive on. In short, it requires fuel to employ not only operating engineers, but tens of thousands of skilled trades workers throughout the state. The higher fuel cost...

**Event Producer:** Mr. Graham, please wrap up your remarks.

**Lee Graham:** So less accomplished for our dollar and fewer roads. In the Line 5, the fuel that the Line 5 delivers is essential to us, to our jobs, building the tunnel, that gets it here safely, possibly and the smart thing to do for our working families and our businesses in our Great Lakes. Please approve the permits for this work to continue. Thank you for your time.

**Event Producer:** Thank you for your remarks. At this time, will Nancy Skinner please press pound two on your phone. Nancy Skinner, please press pound two. Thank you. Representative elect John Damoose, please go ahead.

**John Damoose:** Yes, thank you very much. I thank you for hosting this, uh, this conference too. My name's John Damoose. I'm the State Representative elect for Michigan's 107th district. The Straits of Mackinac and the Line 5 tunnels is contained completely within my district, and I absolutely support and will pledge to... My continued support as a legislature, legislator, the construction of the Line 5 tunnel. First of all, I believe this is an example of what it looks like when government actually works and it's an excellent public-private partnership. We need to back up and

look at what happened here. People from all interested parties of all sorts of backgrounds came together, we recognized that we needed the products that are carried within Line 5. We also recognize that we must protect our waters and that there's no better or... That there is a better way to do it than the existing pipeline. We all love the beauty and the pristine waters. There's no, nobody who's questioning that. And, umm, the state and government...

**John Damoose:** Uh, private industry came together. We've got, right now, what is a very expensive project that's gonna be paid for entirely by private industry with strict governmental oversight. It'll be owned by the state of Michigan, the operations the maintenance will be paid for 99 years by private industry. This is a fantastic compromise. This was all ready to go, everybody agreed, and now it's being held up for political reasons. And I believe it's irresponsible for people to suggest that we eliminate the pipeline without offering legitimate, realistic alternatives. Sure, we would all love new forms of energy, but we can't have a magic wand and have them miraculously appear. Sadly, most of those who I've heard even on this call opposing the tunnel are really using it as a referendum on fossil fuels, and that's not up for discussion at this point, nor is it relevant to the construction of the Line 5 tunnel.

**John Damoose:** We will be using the products from this pipeline and tunnel for generations even as other sources of power come online, and it's disingenuous uh, for people to oppose the tunnel because one opposes the use of oil. That's not what's being decided upon here. Also, let's not forget that the tunnel is being made available long term for things like fiber optic lines and other potential uses long into the future. And I believe we need... Immediately need to stop standing in the way of the development of this tunnel. Quit delaying the construction of a safer solution to protect our waters. The sooner we approved the Line 5 tunnel, the sooner we remove the pipeline from the Straits of Mackinac. And even more to be honest, I credit Enbridge with... For sticking for this project, despite all of the obstacles that the State of Michigan continues to throw their way. So I support it, and we'll support it in the legislature. Thank you for your time.

**Event Producer:** Thank you for your comments. Would Brian Buck please press pound two on your phone. Brian Buck, please press pound two. Nancy Skinner, please go ahead.

**Nancy Skinner:** Hi, good afternoon. My name is Nancy Skinner. I am CEO of Climate Media Works. I've been working on climate change for some 30 years. I actually worked with the US Corps of Army Engineers and FEMA back in 1993 after the great midwestern floods. You should probably now remember that. [chuckle] And I worked with an, uh, a federal inter-agency group. I had pitched it to them and to a private group too literally, because these hundred-year flood plains, as you all would know, we're flooding every five to 10 years. And so we relocated two entire towns off the flood plain together, FEMA, the Corps, and, and all the other agencies that are involved in the disaster relief process. I do... I've heard the concerns about oil, and I will say that, umm, in fact President Obama passed a law, and it was called the Disaster Relief Appropriations Act, in January 2, umm, 2013, requiring a comprehensive study by the US Corps of Engineers with a number of players, federal state, local and Non-GO to assess flood risks and also to start to look at incorporating the, the changes brought on by climate change, not only how you can... What is, what I'm told by the head of the program is called strategic retreat, that the Corps uses that word, but also how to mitigate climate change itself.

**Nancy Skinner:** So in fact, there are alternatives. Umm, there are so many. I worked on home renewables. They've dropped by 85%. They must all be considered. A complete environment



impact, umm, statement must be done either under NEPA or the Clean Water Air Act, because it was just... That was just a decision that was made by the Corps for the copper mine in Alaska, even after the, the EIS under NEPA. It was the Clean Air Act because the, the... It would endanger fisheries. Well, we're talking about a catastrophe in the ecosystem here of economics. And I just kinda wanna wrap up a little bit with the commercials and the advertising that Enbridge has been doing and their financial situation quickly. They've been running radio ads for over a year now, saying there is virtually zero chance of an oil spill. Zero? You are engineers. That's an oxymoron. Zero is an absolute number. Virtually is an adjective. I am a financial analyst from the University of Michigan, and we use... When we do risk reward, we use data, we use numbers. And in this case, the residents of Michigan have no reward.

**Nancy Skinner:** If someone's buying a stock and we're analyzing their... The risk and reward, that person who buys the stock or the fund manager has a risk, and they assess it. But the public trust, the public has no say in this risk-reward return, which under the new law signed into by Barack Obama in 2013, the Corps is required to take into consideration the climate impacts and the public trust issues. Lastly, as someone who studied Enbridge's financials for many years now, the shale operators have so many have gone bankrupt because they, they had a huge boom in 2006 that's when they made the projections to investors. Wall Street has largely shut off all financing. Enbridge themselves had issued two billion shares of stock in 2018. They are paying out right now 167% of all their earnings in, in, to shareholders. They have zero cash flow. They don't have the financial stability to invest in this project.

**Nancy Skinner:** At some point, a \$500-million project, Line 3 just got approved for them, that's \$2.9 billion. They're saying they have this capital, they're completely illiquid. They don't have the ability. And it's a Canadian company, the giant, they are not responsible for this. According to all the, the agreements signed by Governor Snyder, it is the US operating entity that is responsible. They have no... And, And their...

**Event Producer:** Ms. Skinner, please wrap up your comments.

**Nancy Skinner:** I'll wrap up by saying the CEO testified as such in Minnesota, that Enbridge Inc is not responsible for an oil spill. The smaller operating company is, and they do not have the assets to cover an oil spill. And I really appreciate your time, and thank you.

**Event Producer:** Thanks so much for your comments. Would Paul Baumgartner please press pound two on your phone? Paul Baumgartner, please press pound two. Jeff Bohm, please press pound two on your phone. Just Bohm, B-O-H-M, please press pound two. Thank you. Brian Buck, please go ahead.

**Brian Buck:** Yeah. Hi, uh, good afternoon. Uh, thank you for the opportunity to offer comments here on this issue. Uh, my name is Brian Buck, I live in Midland, Michigan, and I'm a Enbridge employee. However, I'm commenting my own views here as a Michigan resident. I'm a life-long resident of the State, a graduate of Michigan Tech University and a licensed professional engineer. I own property in, in several parts of the state, and I share the same concerns as many of my fellow residents in Michigan here. I'm concerned about clean water and protecting the state's natural beauty. Umm, this project, the replacement of Enbridge's pipeline across the Straits along with this tunnel, it offers further protections to the environment while allowing critical infrastructure to continue to operate. And Line 5 is critical to Michigan. Tax Revenues attributed to Line 5, now and

in the future, are a significant part of the state's economy.

**Brian Buck:** In many counties, Enbridge is the largest single payer of property taxes. Michigan relies on Line 5, it provides more than 65% of the propane in the UP and more than 50% of the propane used state-wide. And in addition, Line 5 transports much of the crude oil produced right here in Michigan to market. Uh, in summary, please approve Enbridge's permit application to construct this tunnel below the Straits. This is a practical solution to further protect our environment, yet provide the energy that all of us and the state residents here rely on, with no... With no additional cost or no cost to taxpayers. So again, thank you for the opportunity to provide these comments.

**Event Producer:** Thank you for your comments today. Would Annette Kulek, K-U-L-E-K, please press pound two on your phone. Annette Kulek, K-U-L-E-K, please press pound two. Sharen Lange, please press pound two your phone. Sharen Lange. Thank you very much. Mr. Bohm, please go ahead.

**Jeff Bohm:** Yeah, thank you for hosting this. I'm calling in support of Enbridge. Um, I'm Jeff Bohm. I'm the County Board Chairman here in St. Clair County. I've been on the board 16 years, uh, 10 years as the Board Chairman. St. Clair County has roughly 163,000 residents. We are the 13th largest county in Michigan. St. Clair County does sit along the Canadian border. Umm, when you look at our taxpayers, our top five taxpayers, DTE, ITC, Consumers Energy, Enbridge, SEMCO, it represent roughly 20% of our entire SEV in St. Clair County, and the county actually owns a landfill that produces power to 3200 homes. And I emphasize this because we really do understand energy and understand it well.

**Jeff Bohm:** Umm, in dealing with Enbridge for last 10 years, we had a, uh, lift station. The largest lift station that was built in St. Clair County. You heard the comments earlier from the city manager, Randy Fernandez of Marysville. That was on that project. We have arguably more pipelines that run across the Canadian border in St. Clair County than probably anywhere else in the state. And I deal with Enbridge on regular basis, and I can tell you these comments about the them being bad, you know, corporate citizen, so on and so forth, I've had nothing about the opposite experience. They communicate well, they keep you abreast, umm, of the situations. Lots of public input, and so I just have done a great thing. I wish I had 10 more in Enbridges in my county. So I would like to urge you to support their request. Thank you.

**Event Producer:** Thank you for your comments today. Would Mike Ripley, please press pound two on your phone. Mike Ripley. Please press pound two. Thank you. Sharen Lange, please go ahead.

**Sharen Lange:** Ladies and gentlemen on the call, my name is Sharen Lange. I am the chairwoman of the Cheboygan County EDC. I'm further the president of the Cheboygan County Economic Development Group. I sit on the committee for the Port of Cheboygan. I'm a local business owner or operator in downtown. I furthermore, uh, have the privilege of living on the Cheboygan River and enjoy the Inland Waterway on a very regular basis, and I'm lifetime recreational boater that keeps a vessel at Duncan Bay in view actually of the bridge, and on a weekly basis in the summer, traverse the Great Lakes, and enjoy being a part of the Straits from that unique vantage point. So I'd like to keep my comments just sort of general today, in considering the impact of Enbridge in the tunnel on the economic stability of our local economies. So protecting the water for me from an

economic development standpoint translates into being a diligent supporter of safe, technologically advanced means to transport energy. The Enbridge tunnel is a safe solution. It mitigates impact without focusing on the catastrophe sensationalism that we hear a tunnel that virtually reduces spill risk to less than 1%. Umm, Enbridge is in fact, for my county of Cheboygan, the number one taxpayer in many of my townships. It accounts for over 50% of their operating budget.

**Sharen Lange:** What that means to every single resident of my county, every visitor of my county is that on a daily basis, there is a positive impact coming from those resources into our local communities and our residents. It impacts our quality of life, our education, our healthcare, our access, our public services, our infrastructure, and the list goes on. So in my roles and responsibilities and all the touch points that I have with this project, umm, professionally, umm, business-wise, in the way I serve my community, and even in my own enjoyment, umm, as somebody who lives on the pristine waters that we all, umm, appreciate so much here in Michigan, umm, I need to focus on stable communities, and I advocate permitting for this tunnel in all towns and a plan that continues to support with due diligence. Umm, we need thoughtful leaders, engineering specialists and problem-solving environmental leaders who support clean water, who support safe projects, and who can support local economies simultaneously.

**Sharen Lange:** And so with my different capacities, I believe that the Enbridge tunnel does need to be granted their permit and appreciate those thoughtful leaders, those engineering specialists and problem-solving environmental leaders who get it, and, uh, will continue to support Michigan and keep us clean. Thank you for your time.

**Event Producer:** Thank you for your comments. Would Diane Middleton please press pound two on your phone. Diane Middleton. Thank you very much. Mike Ripley, please go ahead. Please make sure your phone isn't set to mute.

**Mike Ripley:** Sorry, I was on mute. Thank you for, uh, having us today. And, umm, my name is Mike Ripley. I'm environmental coordinator for the Chippewa Ottawa Resource Authority or CORA in Sault Ste. Marie. CORA is composed of five Native American tribes. Umm, those tribes are the Bay Mills Indian Community, the Grand Traverse Band of Ottawa and Chippewa Indians, the Little River Band of Ottawa Indians, the Little Traverse Bay Bands of Odawa Indians and the Sault Ste. Marie Tribe of Chippewa Indians. All five of the CORA tribes are on record with resolutions opposing this, umm, pipe, uh, opposing the tunnel and requesting that the pipeline be decommissioned and removed. The reason for this is the Straits of Mackinac are the heart of the 1836 treaty area. They're the most important fishing area for, for the commercial fishing for the, umm, for the tribes, and this pipeline or the tunnel will not, umm, solve the problem of a 64-year-old aging pipeline.

**Mike Ripley:** There are numerous other tributaries that, um, are in danger outside of the Straits of Mackinac, but are just as much of a danger, uh, for oil spills. Umm, we urge Army Corps to deny these permits, and at the very least to do an Environmental Impact Statement under the, uh, NEPA. Umm, in 19... In 1953, when the pipeline was first, umm, approved, there was no NEPA, and there's never been an EIS performed on this to look at all of the effects, the cumulative impacts of the pipeline, the, umm, the, the, uh, carbon dioxide that will be released from burning this oil, umm, the threats of... Umm, to the treaty area, the threats to archeological and cultural resources that abound in the Straits of Mackinac. We have had numerous consultations with Army Corps and, and the Army Corps has insisted that they're only looking at small parts of this. We're asking that you look

at the whole thing, umm, not only the danger of the pipeline itself, but the danger of tunneling underneath when there's not enough information. Umm, the geotechnical borings that were done are, are inadequate.

**Mike Ripley:** We've had umm, We've heard from experts who say that that is not enough information to do such an important tunneling under the Straits of Mackinac. It could result in, in a disaster if, if something goes wrong if that tunnel boring machine gets stuck in unconsolidated sediments. Umm, also, the, uh, discharge water that comes from this operation uh, will have bentonite in it. The... We believe that the treatment, the water treatment facilities that, umm, that are, uh, described for, umm, the south side of the Straits is inadequate, especially when we've been having so many, umm, climate change, umm, induced, umm, storms. Umm, it, it... All of this is inadequate, and we are asking the Army Corps to deny this permit. Thank you.

**Event Producer:** Thank you for your comments today. Would Bobbe Burke, please press pound two on your phone. Bobbe Burke, please press pound two. Michael Buza, B-U-Z-A, please press pound two on your phone. Michael Buza, B-U-Z-A, please press pound two at this time. Sean McBrearty, M-C-B-R-E-A-R-T-Y, please press pound two or hashtag two on your phone. Thank you. Diane Middleton, please go ahead.

**Diane Middleton:** Good afternoon, and I appreciate this opportunity. My name is Diane Middleton. I serve as Vice President of Advocacy for the Midland Business Alliance. The Midland Business Alliance is a combined Chamber of Commerce and Economic Development Organization, and as such, we represent about 3000 businesses in the Midland community, and I'm speaking today to encourage the Corps of Engineers approval of the permits to construct the Great Lakes tunnel. Midland is 184 miles south of the Straits of Mackinac, and yet we see the construction of the Great Lakes tunnel as critical. With Michigan's current COVID-19 economic crisis, during economically positive opportunities seems like an appropriate strategy to pursue. We are all aware of the economic impact of just the propane delivery to both the Upper and Lower Peninsulas, and as a couple of speakers have already noted, no other delivery alternatives exists that is as safe or as efficient.

**Diane Middleton:** But there's also the economic impact of the jobs that the construction of that tunnel will create in a tax revenue to the state from that infrastructure and the individuals who would work on that as well. So, while of course, the economic impact is important to the Midland Business Alliance where also vocal proponents for our natural resources. The MBA strongly believe our natural resources must be protected and believe that the rules and regulations that protecting environment need to be common sense oriented and based on sound science. Construction of The Great Lakes tunnel, which will be 100 feet below the lakebed is the right step to protect our great lake. Keep in mind that the risk of an environmental spill with the tunnel is zero, both the economy and environment are critical, and protecting both can be done simultaneously.

**Diane Middleton:** In May of this year, Midland suffered a catastrophic dam failure event. Our community has seen first-hand the calamity that can happen when infrastructure and Natural Resources considerations are not adequately balanced. The Great Lakes tunnel represents the kind of balance that Michigan needs. By moving forward with developing and permitting the Great Lakes tunnel Enbridge is complying with provisions of agreements made with the state and per Michigan Legislative Action, Public Act 359 of 2018. The Midland Business Alliance encourages your approval of Enbridge's application to build the Great Lakes tunnel under the Straits of

Mackinac and replace the Line 5 pipeline within it. Again, I appreciate the opportunity to weigh in, on behalf of The Midland Business Alliance. Thank you.

**Event Producer:** Thank you for your comments. Would Bob Lehto, please press pound two on your phone. That's L-E-H-T-O. Thank you, Sean McBrearty please go ahead.

**Sean McBrearty:** Thank you! I am Sean McBrearty, Michigan Legislative and Policy Director for Clean Water Action, the campaign coordinator for oil and water don't mix. I am here today to oppose the issuing of these permits based on several factors. And at the very least, Army Corps must commit to a full EIS under NEPA before proceeding. Building a tunnel under open water and one of the most ecologically sensitive places in the Great Lakes region to house an oil and gas pipeline is a major endeavor that has the potential to cause disastrous impacts to public trust resources, tribal treaty rights and our regional economy. Army Corps must also consider the climate impacts of green lighting the project that would enable releases exceeding 57 million tons of atmosphere carbon annually. Further Enbridge has not done adequate research to determine whether or not this tunnel plan could even be built in a safe manner. They've already cut corners on research and design, which if they are allowed to move forward, will not only risk pristine wetlands and public trust water and bottom lands resources.

**Sean McBrearty:** But also the lives of those working in the tunnel. Enbridge has not done the research required to build this project. As experts have noted, Enbridge drilled bore holes roughly every 953 feet through the Straits of Mackinac, while the industry standard is 50-200 feet depending on the anticipated challenges of the geology. The geology in the Straits of Mackinac is notoriously complex and this lack of research could very easily lead to catastrophic results should the project move forward. The few bore samples that Enbridge did take revealed the presence of methane, which is concerning, especially considering the overall lack of research, should the tunnel boring machine in kind of methane pockets the tunnel could explode during construction, causing not only bentonite released into the lake and an oil spill from the west leg of Line 5 above the tunnel, above the tunnel, but also putting the lives of any workers in the tunnel and jeopardy.

**Sean McBrearty:** Further the design of the tunnel has changed substantially, rendering previous risk assessments, useless. The V-shaped tunnel design will save Enbridge money, however, it makes the ancient river bed in the middle of the Straits the most inaccessible part of the tunnel. Ground water infiltration flooding the tunnel would be difficult to remove, and during construction, groundwater infiltration or surface water infiltration into the middle could cut workers off from the only exit. I'm also troubled by the lack of an Environmental Impact Statement on this project. The project of this magnitude an EIS is essential, and it is unclear how Army Corps could deliver a legally defensible permit review without one. There has been confusion among state agencies about which parts of this project EGLE is reviewing and which parts MPSC is reviewing. This makes a full Army Corps review even more necessary.

**Sean McBrearty:** Army Corps has expertise on this sort of a massive engineering, engineering undertaking, which is simply not available in either of the relevant state agencies. Enbridge is playing a shell game with state regulatory agencies and hoping that no one will thoroughly review this project and your expertise in conducting the thorough review, including EIS and feasible and prudent alternatives analysis is essential. The bottom line here is that Enbridge hasn't done the requisite research to move forward with this project and approving permits would set the stage for a major catastrophe and the Great Lakes. Your review is about the actual project and what Enbridge

has submitted to you as insufficient to grant and permits, your review is limited in that scope, doesn't deal with the tax revenue that certain counties might have, I would suggest...

**Sean McBrearty:** Going after the State Legislature to increase taxes, if that's people's problem. Umm, I strongly urge the Army Corps, thank you for holding this hearing today, and strongly urge you to thoroughly review this project under all relevant statutes and deny these permit requests. Thank you very much.

**Event Producer:** Thank you for your comments today. Would Stu Kogge or Kogge K-O-G-G-E, please press pound two on your phone. Stu Kogge, please press pound two. Thank you, Bob Lehto, please go ahead.

**Bob Lehto:** Good afternoon, my name is Bob Lehto. I'm the operations manager for Enbridge, overseeing operations throughout northern Michigan, which includes the Straits of Mackinac. While I'm an Enbridge employee, my comments, they are on behalf of myself, and as a Michigan resident. Thank you to the Army Corps for this opportunity for me to speak in favor of the Great Lakes Tunnel Project. Line 5 is critical to the Michigan economy and we need improved infrastructure to meet our needs here in Michigan. The tunnel is the only common sense solution to protect the environment while providing the energy that we all rely on. Now, you might have heard there's some opposition to this project. I don't think it's a stretch to say that it's been slightly politicized and capitalized on by special interest groups. Though interestingly, it seems the irony has been lost on this opposition as protection of the environment is exactly the point of the Great Lakes Tunnel Project. But there's a couple of other important things that I think need to be stated here as you contemplate your review of this project.

**Bob Lehto:** The first is that no argument against the merits of this project you've already heard, nor none that you are likely to hear, include a solution for meeting, uh, for meeting Michigan's continued need for safe and reliable energy. Indeed, what you're convening over has massive implications for the future of energy here in Michigan. I trust that you realize just how much is at stake. The truth of the matter is that we're gonna take... It's gonna take all forms of energy, conventional, like those products delivered on Line 5, and renewable, to drive Michigan into the future. Energy to heat homes, deliver the projects... Uh, products consumers rely on, and fuel Michigan's economy for the decades to come. Enbridge happens to know a little bit about this, that's why we're a leader in renewable energy production on a global scale. In fact, Enbridge is committed to zero greenhouse gas emissions from its operations by 2050.

**Bob Lehto:** Activist groups calling for a halt in this project and the permanent shutdown of Line 5, do so without consideration for what's at stake and worse they do it without a plan, and they know it. This leads me to the second thing I think you ought to know, and that's who stands to lose should the opposition groups get their way. It's folks like my elderly parents who rely on the natural gas liquids turned into propane that heats their home in the rural UP. For many like my parents, it's a disconcerting thought as they stare down the long winter months ahead, and in the face of a pandemic. Suffice it to say, my folks take it personal when privileged activists, many who have... Many of whom have never seen the Straits of Mackinac, site their baseless claims wrapped in misinformation or under the guise of Tribal Sovereignty. As a Sault Tribe member and native-born Uper myself, I know all too many families and residents in Northern Michigan who stand to lose if the common-sense solution that Enbridge has proposed isn't realized.

**Bob Lehto:** Army Corps, the enormity of your review cannot be understated. I trust the integrity of this organization you represent and know you will do the good work necessary in reviewing the facets of this project. As an Enbridge employee, I welcome the thoroughness of your review. Enbridge has put forth a plan that was determined by independent experts working on behalf of the State of Michigan to be the best, most viable solution for median environmental protection, energy delivery and economic prosperity priorities. Thank you for your time today.

**Event Producer:** Thank you for your comments. Would Paul Keck, please press pound two on your phone. Paul Keck, K-E-C-K, please press pound two. Would Michelle Jelnicky and/or representative Jack Bergman, please press pound two on your phone. Michelle Jelnicky. Thank you very much, Stu Kogge? I apologize, I'm mispronouncing it.

**Stu Kogge:** Kogge.

**Event Producer:** Kogge. Please go ahead.

**Stu Kogge:** That is totally okay. Yep, my name is Stu Kogge and I'm a senior wetland aquatic biologist for a Michigan ecological consulting and engineering firm. Uh, I own property and I work in the both the Upper and Lower Peninsula of Michigan, and I do depend upon oil and propane to heat my residence, and I also frequently drive back and forth across the Mackinac bridge, that's background. Um, I support and urged the Corps of Engineers to approve Enbridge's permit application for a tunnel under the Straits of Mackinac for numerous reasons. The following are just some of my professional opinions to support this action, based upon, but not limited to, 35 collective years of administering, enforcing, complying with, applying for, issuing, receiving permits and monitoring projects under Section 10, Section 404 of Clean Water Act, Part 325 Great Lakes Submerged Lands of NREPA, and other statutes. Yes, I'm a former MDNR and DEQ employee, now a private consultant, so with many years of permitting and regulatory and enforcement action.

**Stu Kogge:** Um, quickly though, as required by Section 404 of the Clean Water Act, wetland impacts have to be minimized to a greatest extent possible. In review of this application, you'll see that only three-one hundredths of an acre of wetland is being temporarily impact, but only... And again, but only 1/10th of an acre is being permanently impacted. Very, very small. Uh, there are no proposed impacts to coastal wetland habitats, other than some apparent rock rip-rap along the shoreline to stabilize. There are no proposed adverse impacts of federal T/E or State listed species. Noting that if any are found or anything comes up in the review by the Corps of Engineers, they have the ability to put that into the condition of their permit. Again, actions like that by the Corps does not require an EIS to make those changes if they see it necessary.

**Stu Kogge:** The tunnel is proposed to be constructed in the dry with no direct adverse impact on the water or aquatic hab- biota within the Straits. Boring water would be filtered and discharged, so as to not impact water quality, wetland resources, nor threaten endangered species or their habitats. Uh, but again, for those that are skeptical, the Corps and EGLE, they can make that a requirement of the permit to make sure those things are complied with. Again, something that an EIS is not required to do to have those agencies add those extra permit conditions in.

**Stu Kogge:** Getting to some of these feasible and prudent alternative stuff, construction and use of a tunnel, is a feasible alternative for providing safe delivery of oil and gas products between the

Upper and Lower Peninsula of Michigan. Far more prudent than trucking the same quantity of products by truck over the Mackinac Bridge or by barge across the surface of the Straits or various other means that people have suggested around through Wisconsin, Illinois, in Indiana and then back into Michigan, to avoid from having to go under the Straits of Mackinac.

**Stu Kogge:** A tunnel beneath the Straits would provide more feasible and prudent alternative for other existing utilities that currently exist on the bottom of the Straits. Specifically to put their lines within the tunnel, and again, a far safer alternative than to leave the existing lines along the bottom of the Straits, which of course, many of you know that there are many scores of other utilities that are under the Straits of Mackinac currently now, not just the Enbridge pipeline. We've been replacing utility lines on the bottom, regardless of who owns and controls them on the bottom of the Straits, should not be an acceptable alternative for the agencies, especially when there is someone, Enbridge, who is willing to champion and to construct the infrastructure and provide a conveyance system for these utilities to use. Again, that's what the tunnel under The Straits is, it's the infrastructure, and as someone had noted earlier, it's on their own dime, \$500 million.

**Event Producer:** Please wrap up your comments.

**Stu Kogge:** Also, I want to point out... Pardon?

**Event Producer:** Please wrap up your comments.

**Stu Kogge:** I just want to say that there are other numerous tunnels, the Windsor tunnel, the Lincoln tunnel, there's the New York City under Chesapeake Bay, the Channel tunnel which is 32 miles long, and goes straight to Dover Needles Channel, so this is nothing new for people to have to do as far as engineering life, but I also appreciate the opportunity for my testimony, it's the high level of attention Enbridge does put on safety environmental compliance. To its employees, consultants, the public and regulatory agencies, because unbeknownst to many, Enbridge has for many years coordinated work with the federal and state agencies toward obtaining baseline ecological data waters, wetland water course, and threatened and endangered species, throughout the Upper and Lower Peninsula, all on their own dime. Things that people aren't aware of that they are very cognizant of that. And in closing, to summarize my opinions with all those that have said this before today, I encourage the Corps to issue the permit as a represents minimal resource impact, 0.13 acres of wetland, does not pose the over-sensationalized threats of doom and destruction conveyed by many, is in the larger public interest, and represents the most feasible and prudent alternative for getting oil and gas products to the Upper and Lower Peninsula. Thank you very much.

**Event Producer:** Thank you for your comments. Would representative Beau LaFave please press pound two on your phone. Beau LaFave, L-A-F-A-V-E, please press pound two on your phone. Would Timothy Van Deelen, please press pound two on your phone. Timothy Van Deelen. Thank you. Is this Michelle Jelnicky?

**Michelle Jelnicky:** Yes.

**Event Producer:** From Representative Bergman's office? Please go ahead.

**Michelle Jelnicky:** Thank you. My name is Michelle Jelnicky and I am here speaking on behalf of



Congressman Jack Bergman. Thank you for allowing me the time to speak today. Congressman Bergman represents Michigan's first district, which includes the Straits of Mackinac where the Great Lakes Tunnel project is being proposed. Since being elected to Congress in 2017, Congressman Bergman has worked to ensure the safety and health of our Great Lakes, especially in the Straits. This Tunnel Project is an innovative approach to safety on the Great Lakes and is vital to securing affordable, reliable energy delivery for generations to come. It essentially minimizes any chance for an oil spill on the Great Lakes, and this improved infrastructure will serve the energy needs of Michigan's first district.

**Michelle Jelnicky:** The state of Michigan relies heavily on Line 5 to provide much of its oil and propane. In the Upper Peninsula alone, Line 5 provides approximately 65% of the propane used for residential heating and for other important energy needs. Because of this, Line 5 directly and indirectly supports thousands of jobs in Michigan's first congressional district, throughout the state of Michigan, and throughout the entire region. Tunneling is also not new technology, successfully building safe and secure tunnels has been accomplished around the world, and today's technique can ensure a long-term positive outcome. Congressman Bergman supports moving the pipeline within the protection of an underwater tunnel and urges the Army Corps consideration of Enbridge's permit application to construct a pipeline tunnel under the Straits of Mackinac. Again, thank you for this opportunity to speak.

**Event Producer:** Thank you for your comments today. Would Beth Wallace... Excuse me would Beth Wallace please press pound two on your phone. Timothy Van Deelen, your line is open, please go ahead.

**Tim Van Deelen:** I'm Tim Van Deelen, a lifelong resident of the Great Lakes region. I've lived and worked in both the LP and UP. Currently living in Manawa, Wisconsin. I oppose the construction of the Enbridge tunnel in the Straits of Mackinac. I am a professor of wildlife ecology at UW Madison, specializing in terrestrial wildlife. I speak for myself, not my employer, or my collaborators. I'm asking for a full environmental impact study under state and federal laws and request that the following inadequate receipt of Enbridge's permit application be addressed. Number one: So that application ignores risk associated with the operation of the Line 5 pipe line, the Corps restrict itself to discussion that impacted associated solely with the construction of tunnel on the Straits of Mackinac, and possibly assuming products associated to the pipeline endpoint must happen. In fact, the Straits segment cannot be decoupled from the pipeline operations.

**Tim Van Deelen:** Therefore any consideration of adverse environmental impacts under the National Environmental Policy Act stemming from the construction must also include, adverse environmental impacts associated the operation of the Line 5 pipeline itself, including those in Wisconsin. Most notably, the segment upstream of the Bad River estuary in the Kakagon Slough and internationally significant freshwater wetland cared for by the sovereign Bad River Band of Lake Superior Ojibwe. Two, the report fails to quantify the risks associated in pipeline failure that could be enabled and facilitated by the tunnel.

**Tim Van Deelen:** Spills are not anomalies that cannot be evaluated. Enbridge has a track record. Since 1968, Line 5 has ruptured and spilled for up to 30 times, releasing 1.1 million gallons of oil in the environment. Throughout its pipeline system Enbridge has experienced over 1000 spills between 1999 and 2013, roughly 71 per year in an average release of roughly 500,000 gallons. In 2010, their cleanup and mitigation was unable to remove and recover 20% of the catastrophic

spillage in Kalamazoo river. Meaning that 160,000 gallons of oil remain to contaminate soils, sediments and groundwater. These data must be used to create a fiscal model of the yearly risk posed by pipeline, in terms of the magnitude of releases, the response times in recovering mitigation and the efficacy of the mitigation efforts for Line 5, otherwise any discussion of cumulative risk is meaningless that the managers are unable to weigh the public interest and benefit.

**Tim Van Deelen:** Number three, the application fails to quantify the costs and benefits to people of the Great Lakes region apart from "Tax revenue," Which is neither quantified nor estimated their real cost to the region estimated in terms of impairments to recreational activity, cleanup and mitigation spills impacts, the cumulative effects of the building climate crisis and irreparable damage to wetlands downwater, cultural resources in the Lake of Superior of Michigan, and Huron. Spills can be anticipated. Regulators need to see the balance.

**Tim Van Deelen:** Number four, the no action alternative in the permit application explicitly claims that absent construction of the tunnel, petroleum products will continue to flow through the damaged and corroded and neglected pipeline segment on the lakebed, as they are now. This is completely inadequate since Enbridge is in violation of the original easement agreement and the State Michigan acting through Governor Whitmer and Attorney General Nessel is rightly fulfilling its public trust obligations by retracting the easement enabling the pipeline across the Straits. And no action alternative must include shutdown and decommissioning of pipeline 5. Permitting for pipeline 5 cannot be done piecemeal because it offends the public trust to pretend that conducting oil products under the Straits of Mackinac in an aging and damaged pipeline, or in a tunnel is independent of risks elsewhere in Wisconsin and Michigan. Line 5 is an unacceptable risk, the risk is a cumulative one and that risk cannot be decoupled from any single segment. Thank you.

**Event Producer:** Thank you so much for your comments today. Would Robert Pallarito, please press pound two on your phone. Robert Pallarito, please press pound to Mike Gudgeon. G-U-D-G-E-O-N. Please press pound two on your phone. Mike Gudgeon, thank you, Beth. Wallace, please go ahead.

**Beth Wallace:** Good afternoon. Thank you for this opportunity. My name is Beth Wallace, and I'm the Great Lakes freshwater campaigns manager for the National Wildlife Federation. First and foremost, the National Wildlife Federation views this application as vocally incomplete and should be denied as proposed, this permit does not provide adequate review of alternatives and need. It does not properly review impacts on natural resources and wildlife, and there has not been an appropriate consideration of cultural sites that could be impacted, among many other issues that have already been stated during this hearing, a full EIS or Environmental Impact Statement needs to be required of Enbridge including additional geotechnical feasibility that includes full disclosure of all risk registry. An EIS should also include a review of impact to climate during construction and for the lifetime of the pipeline. In addition, the self-reporting nature of this project isn't appropriate for a proposal of this magnitude and for Enbridge, which has proven time and time again that they are not appropriately recording issues along their pipelines and they are not appropriately responding and mitigating for those issues as discovered.

**Beth Wallace:** The National Wildlife Federation supports the comments of past speakers calling for the denial of the permit as submitted, and if Enbridge proceeds forward, a full EIS must be required. The Corps should set aside the economic special interest of the speakers that are supporting this project and we urge you to focus on the mission, which is to ensure the protection of the Great

Lakes natural resources, which Enbridge has failed to appropriately evaluate, insure, and require. It is clear that not one of these leaders has taken the time to review the details Enbridge has provided, nor do they understand the requirements of the permitting process or the charge of the Corps. Again, Enbridge application as submitted lacks critical information for a true assessment and on behalf of our over six million members and supporters, we call for the denial, thank you for this opportunity.

**Event Producer:** Thank you for your comments today. Would Cameron Cavitt please first pound two on your phone. Camera Cavett. Please press pound two, would Mathew Borke, B-O-R-K-E please press pound two on your phone. Matthew Borke, please press pound two. Thank you. Mike Gudgeon. Please, go ahead.

**Mike Gudgeon:** Thank you. Good afternoon. My name is Mike Gudgeon, I am the refinery manager at PBF Energy's Toledo Refinery. I urge the Army Corps of Engineers to approve Enbridge's application to build the Great Lakes tunnels under the Straits of Mackinac and install the Line 5 pipeline within it. Line 5 is a vital energy artery for the Midwest supplying reliable North American sources of crude oil to refineries in Michigan, Ohio, Pennsylvania, and also Canada. Crude oil transported via Line 5 is critical to support the operations of PBF Energy's Toledo Refinery and other Northwest Ohio fuel manufacturers that produce 30% of Ohio's gasoline, 42% of Southeast Michigan's gasoline, 35% of Ohio's diesel and 14% of non-jet diesel for southeast of Michigan. And also the majority of the fuel to the Detroit Airport, northwest Ohio's refiners, are also major suppliers to the Pittsburgh, Pennsylvania, Indianapolis, Indiana, Akron, Dayton, Columbus and Cleveland airports.

**Mike Gudgeon:** In fact, the half a billion barrels per day of crude that moves through the pipeline represents approximately 42% of regional refineries' crude manufacturing capacity. Without Line 5, the Midwest would face significant fuel supply constraints, which would likely result in a... In significantly higher fuel costs, fuel availability concerns and job losses. The jobs and regional economic impacts of just our refinery alone cannot be understated. Toledo Refinery employs over 550 full-time people with another 500-1200 contractors. These are well-paying union jobs. FirstEnergy estimates our refinery contributes \$5.2 Billion annually in total direct and indirect economic benefit to Northwest Ohio. Without the crude oil traveling through the Line 5, refineries like ours could be put at risk.

**Mike Gudgeon:** The COVID-19 epidemic has wreaked havoc on the US refining sector. The sudden and massive fuel demand decreases associated with necessary pandemic response measures have already led to six American refines permanently closing in just the last few months. In such trying times, we strongly urge you to approve Enbridge's application to construct the Great Lakes Tunnel under the Straits of Mackinac. Timely approval is necessary to send a positive signal that regional refineries can continue to rely on needed energy supplies from Line 5 for the foreseeable future. Thank you for allowing me this opportunity to speak on behalf of the employees of the Toledo Refinery, our business partners, including many in the building trades unions in Northwest Ohio, and also those that rely on us for cost-effective and high-quality fuels in the Great Lakes region. Thank you.

**Event Producer:** Thank you for your comments today. Is this either Cameron Cavitt or Matthew Borke?

**Mathew Borke:** Yes, can you hear me? This is Matthew Borke.

**Event Producer:** I can. Please, go ahead.

**Mathew Borke:** Thank you for the time. First, I would like to request that the Army Corps of Engineers... Oh, sorry, I'm Matthew Borke. I'm a resident of Flint, Michigan. Uh, first, I would like to request that the Army Corps Engineers offers a question and answer platform to allow residents the opportunity to communicate directly with agents... Agencies in which their taxes pay for, allowing for a better understanding and informed community involvement. Second, all parties... All permits should be denied presently, not only due to the recent knowledge that Enbridge is in violation of their easement agreements, but because the system in which the permits are accepted appear to be biased due to the knowledge and studies that are both paid for by the construction company and are only done in an effort to allow construction activities to continue. Third parties, which is declared as "Independent" lack all abilities to be independent, as they are paid for by the construction company with only one goal in mind: To complete construction. Army Corps of Engineers has one permit manager that oversees only paperwork and is rarely on-site for construction. Thank you, Kate, Katie Otanez.

**Mathew Borke:** On-site Army Corps of Engineers, uh, representation is therefore a member of the "Independent third party" for all knowledge whether on-site inspection or a scientific study. Third-party involvement is contracted for both construction and clean up, although clean up mostly consists of, of containment and not actual clean up, causing a conflict of interest in which third parties are involved in financial gain, protecting their job security and not actually protecting the citizens in which independent studies are claimed to protect. Based on some recent citizens involvement, knowledge of archeological discovery has been established on the floor of the Great Lakes. Third-party involvement does not include stopping all construction activities in the case of any archeological discoveries, however, also assure removal of the discovery and not protection to keep the archeology in place.

**Mathew Borke:** The Great Lakes used to be an ocean floor and still to this day, fossils are discovered like the Petoskey stone, which are fossilized single-cell organisms. Enbridge is not instructed to carry insurance for an act of God, although their construction is done as an act of God. Third parties have stated the construction companies can fix our, our environment better than "God." Not only is our archeology not studied properly for construction, nor is their effect on our geology. Fossil fuels are moved through the pipelines which also, which also lack studies. After all, they are called fossil fuels because they're composed of our ancestors, which a company declares ownership of our ancestors and considers the knowledge as proprietary, meaning they own it, which creates another conflict of interest, since construction falls under federal laws of eminent domain. Our geology is changing on a daily basis, and which is a direct effect of fossil fuels extraction. Yet, if extraction or construction causes even a sinkhole, it is considered an act of God, and the companies involved are not accountable, so who is accountable? Only the resident citizens...

**Event Producer:** Mr. Borke, can you please wrap up your comments?

**Mathew Borke:** Yes, ma'am. Enbridge is presently pushing through the lines we... Which has begun the replacement more than 15 years of the after lifespan... Umm... Enbridge's... Last but not least... Uh, I guess I will uh, bow the rest of the time outright in, uh... Basically, the tunnel are comparable to heroin, uh, you can't remove, uh, heroin from the system unless we start removing it

slowly. Otherwise, it's at everybody's risk, tar sands are the same thing. It's all blood money, thank you for your time.

**Event Producer:** Thank you for your comments. Will Ken Koch please press pound two on your phone. Or Koch, K-O-C-H, press pound two on your phone. Is this Cameron Cavitt?

**Cameron Cavitt:** Yes. Hello everyone. Thank you for allowing me to speak today. My name is Cam Cavitt. I'm the Cheboygan County Drain Commissioner, and act on behalf of the County and delegated authority relating to water resource protection, storm water management, flood protection and lake level control here in Cheboygan County. It is my understanding that the tunnel will house a replacement segment for the Enbridge Line 5 pipeline, the pipelines that currently sit on the bottom of the Straits, and the tunnel will accommodate other utilities to improve infrastructure connections between our two peninsulas. This project is to be paid for entirely by Enbridge. Line 5 runs roughly forty miles through eight townships in Cheboygan county: Mackinaw, Hebron, Munro, Burt, Tuscarora, Koehler, Nunda, and Ellis.

**Cameron Cavitt:** Almost \$600,000 in assessments on an annual basis is paid into these townships for public safety, infrastructure, road improvements, and area school districts, such as Mackinaw and Wolverine school districts. After talking with township supervisors, environmental engineers, state regulators, and other industry personnel or professionals... It is my opinion that Enbridge has met or exceeded safety standards and requirements. One example of this that we see is the presence of the Straits Maritime Operations Center, providing 24/7 monitoring of the Straits of Mackinaw here. Many local road commissioners are concerned about the increased truck traffic if the pipeline is shut down. Public safety officials have also expressed concern that they would not have the proper hazmat equipment or their people wouldn't have trainings to handle the possible increased tanker truck traffic if the tunnel is not approved.

**Cameron Cavitt:** Many still wonder in our community why we cannot have another engineering marvel built across the Straits of Mackinac and join the economic boost this construction would bring. Many of our parents and grandparents worked to build the Mackinac Bridge or still work there. The bridge was controversial at the time, and many didn't think it could or should be built. I would like to inform the public and the Army Corps that, uh, Cheboygan County has already adopted a resolution of support for the Great Lakes Tunnel Project and the Mackinac Straits Corridor Authority. In conclusion, I would like to add to the record that the office of the Cheboygan County Drain Commissioner is in support of granting the permit to build a Great Lakes Tunnel. Thank you.

**Event Producer:** Thank you for your comments today. Would Laura... I'm sorry, Laura Judge please press pound two on your phone? Hi, is this Ken Koch or Ken Koch? Hi, is this Ken...

**Ken Koch:** Hello?

**Event Producer:** Koch or... Yes.

**Ken Koch:** Hello?

**Event Producer:** Is this...

**Ken Koch:** This is, this is Ken Koch.

**Event Producer:** Yes. Please go ahead.

**Ken Koch:** Thank you for the time. Thank you all relations. I would like to urge permits be denied on this. I would also like to urge that a complete Environmental Impact Statement to be conducted. Um, there's... The impacts to the Great Lakes coastal wetlands, they're gonna be great. Alright, they provide critical habitat, fish and wildlife, erosion control, water quality protection, recreation opportunities. Um, no pipeline has ever been built that didn't leak, alright, and I know a lot of you are gonna be under a lot of pressure to approve these permits, and few people are gonna make an insane amount of money, and I know you're under a lot of pressure to approve them but, you know that um, you can blame it on us, blame it on the public, say, "You know, the public just didn't want it. There's nothing I can do, it's out of your hands." Now, there's certain endangered species going on with this situation, uh, federal law and guidelines require, uh, this to go through an environmental assessment, so that needs to take place. And the permits just need to be, I'm in favor of the permits just being denied. You got migratory birds you need to watch out for... And the migration of those birds.

**Ken Koch:** Uh, the fishing rights and right to the tribal peoples, this, this thing goes right through the middle of the 1836 Treaty of Washington in Michigan here, so... So, uh, that alone needs to really just put the brakes on this thing, cultural issues with the tribes. I mean, that's the... The treaty is gonna be the supreme law of the land, so that alone us to just put the brakes on this thing. Uh, culture resources haven't been evaluated properly and needs to be... more time, taking a look at that. And practical alternatives have not been, it's not the responsibility of those opposed to this pipeline to produce the practical alternatives. It's... It's the responsibility of those proposing to build this thing that needs to put out these practical alternatives. And so that hasn't been completed in any kind of real way. That really needs to be taken care of.

**Ken Koch:** I'm not gonna spend a whole lot more of your time, I appreciate you hear my words and I just want you to think about, we got 10 years to put the breaks and pivot in this planet and so that gives us like five years to kinda slow this thing down and five years to pivot this thing. And I really want you to consider that and consider your children, your grandchildren, and really think about this, like I know you're under a lot of pressure. But uh, you do not have to say yes to this thing. You can blame it on the people. You can blame it on those not able to speak alright, you can say no, you know, you've even got the option to quit this whole thing if you want so, I appreciate it. Thanks for your time, I hope you all have a good day. I hope we make a good decision for our future.

**Event Producer:** Thank you for your comments today. Miss Judge please go ahead.

**Laura Judge:** Hi, my name is Laura Judge, I was in Holland, Michigan. I worked there, retired Holland city assistant, Finance Officer. This Enbridge pipeline tunnel permit request should be unequivocally denied. To quote, the timely December 2020 National Geographic cover story, entitled "Saving the Great Lakes." "The irreplaceable fragile ecosystem of the Great Lakes holds six quadrillion gallons of fresh water that our planet needs to survive. The Great Lakes are the continent's most precious resource. Almost 40 million people in the US and Canada rely on the five Great Lakes for drinking water. The Great Lakes hold 84% of North America's surface fresh water, and 20% of the earth's surface fresh water. This Tunnel Project is a threat to this continent's most valuable resource. This environmental insanity must stop.

**Laura Judge:** The Tunnel plan is incomplete and thus should not even be considered. Boreholes were not sampled closely enough to even properly determine geologic formations, beneath the Straits. Enbridge has not addressed events like clay removal from the wastewater slurry, prior to discharge. If an explosion or collapse occurred, an event like slurry release would kill fish and permanently harm the fragile ecosystem, not to mention the degradation of drinking water. This project risks our public trust resources for the benefit of an untrustworthy private corporation with what will soon become an economic stranded asset, due to the inevitable and necessary global shift to 100% renewable energy to address climate change.

**Laura Judge:** Also, construction worker and EMS safety are a great concern. I would conclude with a call for the Army Corps of Engineers to do its job. You must deny the permit, you must conduct a full EIS under NEPA and always remember that this tunnel project negatively affects the quality of the human environment. The potential ecological and disaster risks are too great to even begin to consider this permit. We raised our family to value the Lake Michigan Natural Heritage by kayaking, hiking and camping beside it. Please don't trade that heritage for the profits of a corporation who has proven itself to be unreliable. Jobs and property tax revenues are important, but not at the expense of our environment." Thank you for the opportunity to comment.

**Event Producer:** Thank you for your comments today. I have called all of the names who pre-registered and requested to speak, now we will open it up to anyone else you would like to comment. You can indicate that you wish to comment by pressing pound two on your telephone keypad at this time. Again, this is for anyone who did not pre-register, please press pound two on your phone and I will open up your lines in the order they come in. We have approximately 20 minutes before we end today's event. So please keep that in mind when you're providing your comments. Hi, your line is open. Please go ahead.

**Chris Byrnes:** Oh, this is Chris Byrnes. I'm the Director of the Mackinac Economic Alliance. We're the economic development agency that serves Mackinac County, the terminus on the UP side of the Straits. As with all economic development agencies, it's our job to encourage the creation of new tax base and job opportunities for the residents of our county. The Great Lake tunnel is the largest economic development project in Mackinac County. However, with this project, many Mackinac businesses, residents and organizations find themselves in a paradox. I personally face this as well. I'm a competitive sailor, lifelong lifeguard, swimming instructor, as well as an aspiring scuba diver. I care about our environment and the lakes specifically, yet it is my professional passion and my career to create new economic opportunities for the people of my community.

**Chris Byrnes:** Even in this aspect of my life, I help to create the Michigan Wetland Mitigation Bank way back in 1997. So I've lived with this for a long time. Yet, it's not about me. We have many contractors who need the construction business to keep their employees working, yet they must hide that fact from their other customers or neighbors, we have significant employers who've invested in, and even operate petroleum-based businesses, yet oppose this project on environmental grounds. And for over 30 years during non-tourism months like now, at least 20% of our workforce is unemployed because of the seasonal businesses we have, enjoy our tourists in the summer, but there aren't any now. So year after year, our families need year-round, good paying jobs. Yeah, they're treated as pariahs, if they admit it, and they're in favor of this project.

**Chris Byrnes:** Unfortunately, on the Great Lakes tunnel project, the State of Michigan has fallen

prey to this paradox that this project presents, the State of Michigan has negotiated away property tax payments that would otherwise be paid by Enbridge to the two respective counties on either side of the Straits. While in those same agreements, the State of Michigan will be paid by Enbridge and others for the use of the tunnel, but the State of Michigan will be paid handsomely for the operation of the tunnel, while local units of government and schools will get none. Paradoxes abound. Let's turn down the temperature, we must make and stick with good governance decisions and get this done, please approve Enbridge's application to build the Great Lakes tunnel under the Straits of Mackinac and replace the Line 5 pipeline within it. The status quo is not acceptable when there's a better solution in building the tunnels. Delay for tunnel approval process are increasing the odds of trouble in the meantime. The tunnel is a common-sense solution to protect our environment, while also providing tax-based investments, job opportunities and improved infrastructure for Mackinac County residents, and the business growth opportunities therein. Thank you for your time.

**Event Producer:** Thank you for your comments today, please go ahead, your line is open.

**Tony Retaskie:** Good afternoon, my name is Tony Retaskie, Executive Director of the Upper Peninsula Construction Council, representing several thousand UP residents and contractors in the construction industry. Enbridge is doing what we all want, removing the pipelines from the bottom of the Great Lakes, at no cost to the taxpayers. Encapsulating the lines and the tunnel reduces the risk greatly. The Upper Peninsula Construction Council supports the construction of the Great Lakes tunnel, and we encourage the US Corps of Engineers to approve the tunnel project. Thank you.

**Event Producer:** Thank you for your comments. Hi, your line is open. Please go ahead. Please make sure your phone isn't set to mute.

**Charles Carpenter:** Hi, my name is Charles Carpenter, I am a resident of Beverly Hills, Michigan. I asked the US Army Corps of Engineers to deny the application until an Environmental Impact Statement under the National Environmental Policy Act can be completed. Now that Enbridge is arguing in the courts that federal jurisdiction preempts the proposed state action, it is critically important that the Corps evaluation completely and thoroughly follow federal legal processes. An EIS would ensure that the Corps is following such a complete thorough process. Complete process requires a complete and up-to-date risk assessment, the risk of this project have not been adequately evaluated by Enbridge and the Army Corps of Engineers cannot responsibly act without a current and thorough risk assessment.

**Charles Carpenter:** Any adequate risk assessment must include the following: 1: An up-to-date seismic study of all possible fault zones. 2: A complete assessment of the rock and soil conditions based on industry standard boring every 100 to 200 feet. 3: The current assessment of methane and other gases. 4: Testaments of probable and potential groundwater and service water inflow during construction based on current projections of water levels and, 5: A re-assessment of the risk of weak or collapse, now that the plans for filling the tunnel have changed, given the known risk the tunnel boring projects in the scale of the scale and the high economic and public safety cost of even a low probability failure, it would be negligent to improve the application without an up-to-date risk assessment from the applicant, and a through and independent EIS, therefore I ask the US Army Corps Engineers to deny the application until EIS under NEPA can be completed. Thank you for your consideration.



**Event Producer:** Thank you for your comments today. Hi your line is open. Please go ahead.

**Speaker 50:** Hello, can you hear me?

**Event Producer:** Yes we can.

**Speaker 50:** Okay, I wanted to point out there's something a little bit different from what other people have been saying. I wanted to know that the former Governor Snyder made some reckless decisions. In 2015, he created the public health crisis when his emergency manager re-routed Flint's water, to a source that reacted with old pipes and leach lead into children's drinking water. This is not responsible governing. The same governor, as a lame duck in 2018, made the reckless decision to push through and sign legislation to approve the construction of the Enbridge tunnel. Now, this is another mistake that was made without the necessary thorough investigation of risks. We need a full environmental impact review. That's critical, because now we know that under the Straits is a river gorge with deep layers of unstable material that will make the tunnel boring an extremely and dangerous project. We know that Enbridge either failed to see or failed to report an ancient cultural site in the Straits that will be destroyed by tunnel construction. We know that the existing leak in the pipe is at risk for damage and leakage during the new construction, and remember, much of Line 5 crosses numerous waterways received the Straits directly, where it can contaminate the water with oil in minutes, the tunnel would not reduce the danger of oil spill to zero. That is a ridiculous statement.

**Speaker 50:** We also know after a study by the Attorney General's office that the, neither the Enbridge parent company nor the subsidiary has the means to financially mitigate the harm they will do to this Strait ecosystem. They will not be accountable, that's not true. So when public officials make reckless decisions that compromise public health, the responsibility falls on the public, on us, to broadcast the harm, and then the responsibility of safeguarding public health, falls on other agencies like the Army Corps of Engineers. For seven years, the public has demanded action to prevent the imminent threat from an oil spill from the expired Line 5 pipeline, and now Governor Whitmer, along with the DNR director, have responded by revoking the easement.

**Speaker 50:** Now, the Army Corps of Engineers actually does carry the burden of maintaining the environmental integrity in the Straits of Mackinac, and the public conference in this kind of state process. The cumulative environmental impact must be considered. Hundreds of thousands of jobs depend on maintaining the clean water status in the Great Lakes. The Corps has to put water, safety, and health in, in, and the economic future of Michigan first by denying this type of permit. Even though we've had lots of complicated, lots of extensive statements probably written by Enbridge. The same things said over and over again that this is safe and it must go on, and, and, and we have to have this tunnel in order to be... In order to save our economy, but that's, that's not true. What we need now is a full environment impact review. Thank you.

**Event Producer:** Thank you so much for your comments today. Hi, your line is open. Please, go ahead.

**Sean Hammond:** Hello, this is Sean Hammond, the Policy Director at Michigan Environmental Council, and I want to thank you for the opportunity to comment today on the proposal. We have submitted written comments, and I also stand by a number of other commenter's discussions to deny the permit, and also to do a full Environmental Impact Statement around the line. There are a

number of questions that remain on the information presented in the permit application is simply inadequate to make a, a complete decision, and this includes things around wetlands, as there's been some discussion about how there has been mitigation of the wetlands impacts, in terms of qual... Quantity of wetlands, which is of course a, a benefit. However, the quality of all of these wetlands must also be taken into account.

**Sean Hammond:** One of the wetlands impacted by the construction is a pristine wetland, or one of the top wetland, coastal wetlands in this region of the Great Lakes. So this is not an acceptable site to damage. There's also a number of endangered species that exist along these construction sites that have not been adequately addressed as part of Enbridge's application material. I also want to note in response to a few other comments today along some facts that have been presented. First, I've heard that Line 5 somehow presents 50% of the propane in Michigan, the UP Energy Taskforce and various reports underneath that have shown us more, closer to about a third of the propane not 50%, and then there's been a number of statements that taxpayers are not on the hook for this at all, when in fact, \$4.5 million worth of taxpayer money has already been appropriated to support tunnel expenses.

**Sean Hammond:** So this is simply not an acceptable risk for the Great Lakes. It is a very separate conversation from the currently operating Line 5, and the, the applicant needs to put forth a full alternatives analysis as part of an Environmental Impact Statement, in order to fully evaluate all the risks that, that are presented by this construction and provide the adequate information needed to review this permit. Thank you.

**Event Producer:** Thank you for your comments today. Hi. Please, go ahead, your line is open. Please, make sure your phone isn't set to mute. Hi. Please, go ahead, your line is open. Alright, moving on the next person in line. Hi, please, go ahead, your line is open.

**Rich Billing:** Hello, can you hear me?

**Event Producer:** Yes, I can.

**Rich Billing:** Okay, thank you. This is, Rich Billing. I live on the shores of Lake Huron here, and two things I wanted to bring up, one is in terms of considering alternatives, we've been aware for some time, generally of the capability of these oil companies and the ability in their fracking technology to bore horizontally from great depths, bore horizontally right in the order of 6-10 miles. And so as a potential alternative, it would be interesting to hear the Corps' opinion about multiple fracked lines. I'm not advocating fracking, I'm simply saying the technology for boring might be an alternative to having a single tunnel, with multiple lines that fracking technology would bring, would give you several independently controlled lines, and each recipient could independently adjust their particular needs for their supply. More importantly, I wanted to bring up, on the issue of the risk that I haven't yet heard about.

**Rich Billing:** Because we have been vulnerable now to cyber attack. The notion that has been floated multiple times is the um vulnerability of our infrastructure. Um I have some knowledge about that. And to me, the Line 5 proposal must include a security plan with independent vulnerability testing and recording to the public from the cyber vulnerability and security of every component that deals with control of flow and power. The um notion that uh we can't wait is to me critical. This has to be assessed and in place prior to the beginning of construction. Because during

construction, that is the most vulnerable time for the introduction of malware, and that has got to be avoided if this is going to be a long-term operational capability. That's my comment. Thank you.

**Event Producer:** Thank you so much for your comments today. At this time, everyone who has uh not made a comment previously has already spoken and there's no one else in the queue who would be a new speaker. So at this time, I would like to turn things back over to Lieutenant Colonel Scott Katalenich for closing comments.

**Lieutenant Colonel Scott Katalenich:** Hi Event Producer, thanks. I think we had one more person that has to do a follow-up, can we please check.

**Event Producer:** Nancy Skinner, your line is open.

**Nancy Skinner:** Hi, thank you Colonel. Um I was just going to say um, in conclusion, in 44 days we're gonna have a new administration, and president elect Biden said that his focus is going to be on a clean energy infrastructure, and he's taking all of government approach. And then he announced his national security team, including Homeland Security, they said that they're um going to be looking at climate change. The last gentleman talked about the cyber threat. You don't even need a cyber threat when you have that much oil flowing out of the Great Lakes for it to be sabotaged with any sort of munition that could erupt in the Great Lakes. So on so many different levels, I think we need to do stress test on the bank the financial holdings of Enbridge. We need to see what the new, work with the transition team to see what the new whole of government approach is going to be to the clean um infrastructure. Because it certainly is going backward in time to a dirty infrastructure pipeline um that could last 100 years and therefore be financially obsolete very soon. So please consider that we are moving into a whole new administration and that's gonna change things. Thank you, thank you so much for your time today.

**Event Producer:** Those are the conclusions of our comments today.

**Lieutenant Colonel Scott Katalenich:** Thank you all for attending our public hearing. We appreciate this opportunity to hear your comments on this permit application. If you have any additional comments, we are accepting written comments through December 17th, 2020. You can email them to line\_5\_lre@usace.army.mil or mail them direct to our district office. We will consider all comments received verbally today as well as all written comments submitted during the comment period as a part of our permit review. Thank you very much for attending. The hearing is now closed.