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UNITED STATES  
HOUSE OF REPRESENTATIVES

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CONGRESSIONAL NATIVE AMERICAN CAUCUS

SENIOR DEMOCRATIC WHIP

October 14, 2022

LTG Scott A. Spellmon  
U.S. Army Corps of Engineers  
441 G Street NW  
Washington, DC 20314

Michael S. Regan  
Administrator  
Environmental Protection Agency  
Mail code: 1101A  
1200 Pennsylvania Avenue, N.W.  
Washington, DC 20460

Dear Lieutenant General Scott A. Spellmon and Administrator Michael S. Regan:

My office has been contacted by the North Star Chapter of the Sierra Club regarding their concerns related to the recent construction of Enbridge Line 3 pipeline. An organization called Waadookawaad Amikwag, which represents environmental organizations, members of indigenous tribes, scientists and other citizens has since followed up with the following letter to Minnesota's Congressional Delegation further articulating these concerns. Waadookawaad Amikwag requests that the United States Army Corps of Engineers and the United States Environmental Protection Agency conduct a forensic investigation into damages caused by Enbridge and postpone decisions on other projects sponsored by the company until this full analysis of Line 3 is completed.

The documented concerns raised by Sierra Club and Waadookawaad Amikwag deserve full review by your agencies, particularly the impacts that construction of Line 3 has had on groundwater, wild rice, and peat bogs. I urge your agencies to conduct a thorough evaluation of these issues and proposed investigatory actions to ensure maximum protection of our environment and our precious water resources into the future.

Sincerely,

A handwritten signature in blue ink that reads "Betty McCollum".

Betty McCollum  
Member of Congress

Enclosure



## Waadookawaad Amikwag

*Those Who Help Beaver*

WaadookawaadAmikwag@gmail.com

[Waadookawaad Amikwag YouTube](#)

September 28, 2022

To: U.S. Senator Amy Klobuchar  
U.S. Senator Tina Smith  
U.S. Representative Betty McCollum  
U.S. Representative Angie Craig  
U.S. Representative Tom Emmer  
U.S. Representative Michelle Fischbach  
U.S. Representative Brad Finstad  
U.S. Representative Ilhan Omar  
U.S. Representative Dean Phillips  
U.S. Representative Pete Stauber  
Minnesota Indian Affairs Council c/o Executive Director Shannon Geshick  
Tribal Executive Committee - Minnesota Chippewa Tribe c/o President Cathy Chavers  
Minnesota Tribal Environmental Committee  
Department of Interior c/o Secretary Deb Haaland

### **Re: Investigation of permanent damage from Construction of Enbridge Line 3**

Following conversations with Representative Betty McCollum's district office, we are requesting your help to convey our deep concerns to two federal agencies who have not utilized their power and authority to protect water quality and the people who depend upon it.

During the 2018-2021 permitting and construction for Enbridge's Line 3 across Northern Minnesota numerous parties and commentators predicted potential long-term and permanent hydrological disturbances and ecological destruction. Public comments from qualified scientists and engineers were ignored by state and federal permitting and enforcement agencies. **Two key federal agencies have delegated their regulatory authority to state agencies, and those state agencies are failing the public.** We need your help, and the help of the U.S. Environmental Protection Agency and the U.S. Army Corps of Engineers, ***to assure delegated state agencies have the needed tools to be accountable for the enforcement of the Clean Water Act.***

Many concerned Minnesotans, including Water Protectors, scientists, and the White Earth Tribe have now documented ongoing and potentially permanent damage, along with threats to historic wild rice lakes, due to the fundamental lack of due diligence by Enbridge and their consultants. We have also documented Enbridge's public misrepresentations. The lack of appropriate pre-construction investigations was compounded by rushed pipeline construction using inadequate plans and specifications. Today, nearly a year after the construction was completed, damage can now be seen and qualified experts can demonstrate that there is a permanent disturbance of surface and groundwaters with ecological damage at at least 45 sites across the headwaters of the Red River of the North, the Mississippi River, and the St. Louis River/Lake Superior Watersheds. This is far more than the three aquifer breaches acknowledged by the MN Department of Natural Resources. [This video](#) depicts how Enbridge breached aquifers across their Line 3 corridor.



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Our group of volunteer field monitors, scientific and engineering consultants, drone pilots and concerned parents, along with our partners can show the wide range of impacts via on-the-ground observations, drone video, high-resolution thermal imaging, and water testing. The data suggest the predicted problems have occurred and indicate the Enbridge assurances were in error and should not be relied upon for future projects across the glaciated headlands of the Great Lakes, notably two proposed Line 5 projects.

**We ask the USEPA Office of Enforcement and Compliance Assurance, along with the USACE Command for Civil Operations and the Research and Development Center, to conduct a forensic investigation of the damages that have been documented along Line 3. The investigation is warranted because common construction techniques in the glaciated headwaters have caused numerous problems via horizontal directional drilling frac-outs, aquifer ruptures from both deep excavations, and from the placement and removal of deep sheet piling, and failures crossing seeps, wetlands, peat bogs, wild rice waters, streams and rivers regulated by your agencies. Minnesota citizens are asking that the USACE and USEPA empanel a group of scientists and engineers to receive the data we've collected and investigate the ongoing hydrological and ecological damage across the 355-mile construction zone.**

This request is time-critical because Michigan Governor Gretchen Whitmer has called for Enbridge's Line 5, currently running without a valid easement in her state, to be shut down based on a history of violations. In Wisconsin, the Bad River Band has told Enbridge they will not renew leases that go directly through their reservation; they are now in court. In both states, Enbridge is ignoring the need to cease operation while beginning permitting for reroutes. Enbridge is proposing to continue operations of, and partially rebuild, Line 5 across Northern Wisconsin, a high-risk terrain similar to Minnesota. The public cannot hold Enbridge accountable for its impacts by accepting their promises during permitting and then ignoring obvious construction damages. **USACE, USEPA, and the delegated state agencies must assist residents of Minnesota, Wisconsin, and Michigan in both holding Enbridge accountable, repairing the damage it has done, and preventing further damage.** USACE and USEPA can do this by *conducting a thorough failure analysis of the alleged violations* that defines, through an *independent investigation*, the best course of action for mitigation and monitoring impacts.

Minnesota Water Protectors have made a series of reasonable requests to Minnesota agencies to no avail. We are now asking of the USACE and USEPA:

First: **Do no more harm.** Do not allow the deployment of engineers and heavy equipment to continue crushing our wetlands, bogs, springs, and streams until the regulatory agencies and the public know the scope and impact to the hydrological and ecological damages.



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Second: Complete an independent forensic investigation of the hydrological and associated ecological damages from Line 3 from the Canadian border to Superior, Wisconsin, including thermal imaging flyovers in November 2022 and summer 2023, to continue assessment of groundwater emergence.

Finally: ***Ensure this Line 3 post-construction analysis is completed prior to any further decisions for Enbridge pipeline projects***, including specifically and currently, their Line 5 proposals in the Lake Superior and Lake Michigan watersheds in Wisconsin and Michigan.

We trust that your office knows the best specific people at the USEPA and USACE, but we have identified the following individuals who may be helpful:

- [Lt. General Scott Spellmon](#), Chief of Engineers; U.S. Army Corps of Engineers
- [Major General William Graham](#), Deputy Commanding General for Civil and Emergency Operations; U.S. Army Corps of Engineers
- [Jose Sanchez](#), Deputy Director of Research and Development; U.S. Army Corps of Engineers
- [Chad Konickson](#), Regulatory Division Chief, St. Paul Division; U.S. Army Corps of Engineers [Note: This contact was provided by USACE Region V Office in St. Paul following our [press/video release](#) August 3, 2022.]
- [Colonel Karl D. Jansen](#), St. Paul District Commander, U.S. Army Corps of Engineers
- [Michael Regan](#), Administrator; Environmental Protection Agency
- [Lawrence Starfield](#), Acting Assistant Administrator, Office of Enforcement and Compliance Assurance; Environmental Protection Agency
- [Sean O'Donnell](#), Inspector General, Environmental Protection Agency
- [Debra Shore](#), Region V Administrator Environmental Protection Agency

Please also feel free to share this with your Congressional colleagues in Wisconsin and Michigan, whose constituents could be negatively affected by Line 5.

Thank you for your attention to this matter. We look forward to your timely response.

On behalf of Waadookawaad Amikwag, thank you for your consideration.

### [Waadookawaad Amikwag Team Members](#)

**Alexander Aman**, Drone Pilot & Data Analyst, Climate Justice Advocate

**Jeff Broberg**, Minnesota Licensed Professional Geologist, Founder [MNWOO](#) (Minnesota Well Owners Organization)

**Jaci Christenson**, Volunteer advocate working to protect water, address our changing climate, and uphold treaties



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**Jami Gaither**, Retired Metallurgical Engineer, Abutter to Line 93 in 1855 Treaty Territory, Climate Justice Advocate

**Gaagigeyaashiik / Dawn Goodwin**, Gaa-waabaabiganikaag (White Earth) 1855 Treaty, [R.I.S.E. Coalition](#) Co-Founder, [1855 Treaty Authority](#) Alternate Board Member, [Indigenous Environmental Network](#), Sierra Club North Star Chapter Executive Committee Member

**Bee Kakac**, Climate and Social Justice Activist, Ecologist

**Shanai Matteson**, Abutter to Line 93 in 1854 Treaty Territory, Climate Justice Advocate

**John & Victoria McMillen**, Nagajiiwanaang (Fond du Lac) 1854 Treaty Cultural Preservation

**Michele Naar-Obed**, Climate Justice Activist, citizen scientist, Ally to Anishinaabe Water Protectors and Treaty Rights

**Awanikwe / Debra Topping**, Nagajiiwanaang (Fond du Lac) 1854 Treaty, [R.I.S.E. Coalition](#) Co-Founder

**Dr. Laura Triplett**, Associate Professor of Geology

**Ron Turney**, Gaa-waabaabiganikaag (White Earth) 1855 Treaty, [Indigenous Environmental Network](#) Drone Pilot