Extraordinary Consultation/Right Relations with Indigenous Tribes

The first thing I want to say is that no one could know better than Anishinaabe elders what the likely and certain impacts of this proposed project are. ACE should ask for consultation with them directly, beyond the standard scoping process, and support with whatever resources are needed. It is advisable to ask to visit elders in their chosen location and listen to them about what they impacts to consider.

Out of respect for the Anishinaabe people, I request that ACE make semantic adjustments to cease using the term "property" in regards to lands of the Great Lakes region. It would be appropriate to acknowledge that this whole region is traditional lands of the Anishinaabe people, all of it of historic, cultural and

spiritual significance. ACE might consider that there is no true distinction between environmental and indigenous impacts.

There are great threats to the safety of indigenous women and to others, as well, by the hands of pipeline workers. I spent time at Line 3 and have Anishinaabe friends whose family members went missing while the construction camps were in their home territory. There were some arrests of pipeline workers who harmed members of the Fon du Lac Reservation. How many more occurred which we still don't know? The EIS MUST address the impact of the violence perpetrated by workers, based not only on previously documented cases but on investigation as part of the EIS which would invite testimony from Anishinaabe and Dakota inhabitants or relatives of inhabitants of the impacted regions of past Enbridge projects. This is a real and

underreported threat.

Unknowns

The September 2022 judicial finding that Enbridge is trespassing on Bad River Band of Chippewa lands calls into question the future of the pipeline. Will a reroute in Wisconsin happen? No one can know at this point, and that uncertainty must be considered in analysis of the proposed tunnel and expansion under the Straits. If Enbridge is unsuccessful at a reroute in Wisconsin, the entire pipeline will shut down. If Enbridge is successful in constructing this reroute, the impacts of such must be considered to compound risks to the proposed Straits tunnel, and vice versa. This begs the question of risk and feasibility of Pipeline 5 construction and operation overall. The EIS must consider that there are unknowns which are unknowable at the present time.

Unreasonable Segmentation

Furthermore, Enbridge must not be allowed to segment for permitting applications its Line 5 projects as if they were not all part of one piece of infrastructure any part of which could affect the whole and any connected lands or waterways within range of all potential spills, leaks and frac-outs. Since increased flow through the pipeline would involve the entire line, the EIS must consider potential impacts to the regions of every part and the entirety of Pipeline 5.

Geotechnical Considerations/Culturally Significant Sites

Impacts on subterranean salt caves, like the one storing fracked gas near St. Mary must be fully studied. We need to know where every single cavern is located and about its makeup. Both environmental and cultural impacts must be considered under

both Lake Superior and Lake Heron, including to a culturally significant site at the bottom of the former, and to the capped "Lake Inferior" which could be impacted by vibrations and a potential explosion inside the proposed tunnel. With tribal permission, much more exploration of the Straights for idenfication of archeological sites must be conducted and included in an EIS.

To date, geotechnical studies performed on the site for the Line 5 tunnel amount to only 10 percent of the industry recommended research for a tunnel of this scope. This inadequacy has not been addressed in reviews by either Michigan's EGLE or its MPSC. What we have heard so far from MPSC's review of expert testimony is that there is a significant risk of explosion due to operating an oil and liquid gas pipeline within the confines of a subterranean tunnel with an open annulus

design. Further, PHMSA expressed concerns to MPSC about the operations and maintenance of this pipeline within the confined space of a tunnel. Therefore, much more geotechnical analysis must be required as part of the EIS.

Interconnected Waterways

We already know that the waters of this region are connected. This includes both surface and groundwater. In Michigan alone, groundwater is the source of drinking water for 45 percent of the state's population, and necessary for agriculture. Impacts to the great aquifer that spans from the Straits to Duluth at least must be considered in depth as part of the EIS.

Climate Impacts

Climate impacts must also be considered. Experts have presented climate impact analyses of this proposal to the MPSC, indicating a projected 27 million metric

tons of carbon pollution annually as a result of the operation of the proposed expanded line.

Hazards during Construction

The potential impacts to both wildlife and humans of a release of bentonite into surface water must be considered. Vibrations of drilling will adversely affect all living beings for a decade, and we need to thoroughly understand those predictable impacts, as well as recognize that there may be further unanticipated, long-term impacts, such as to the fertility of various species.

Thorough Alternatives Analysis

Alternatives to the construction and operation of a tunnel and new pipeline under the Straits of Mackinac must be considered, including routes that do not travel under waterways, routes under less turbulent waterways and alternatives to

any pipeline operation at all, i.e. trucking or rail transport directly to refineries on either side of the international border. Risk comparison and predictable climate impacts must be aspects of a comprehensive alternative scenario analysis.

Questionable Sources/Conflicts of Interest

I understand that this is the standard, but EIS preparation should not be contracted by Enbridge, particularly if they choose TRC, which holds a conflict of interest and therefore should be preemptively disqualified by ACE. TRC is not only enormously invested in fossil fuel industries but they are part of it, as the 2017 unsolicited mini-tender offer by TRC Capital for up to 2.5 million common shares of Enbridge clearly demonstrates. TRC has a history of subjective or inaccurate statements regarding activities by Enbridge which I will elaborate in

writing. Therefore, information from TRC analysis will be unreliable and may nullify the EIS.

The stakes are too high for ACE to rely on statements by Enbridge as a basis of fact. Wherever "Enbridge states" or "According to Enbridge" may exist in a draft document, alternative sources must be sought.

Lack of Integrity

Enbridge has proven itself to be untrustworthy, consistently and willfully acting in violation of permits, regulations, easements and easement revocations. There are more numerous cases to cite than I can accommodate here, so I offer a few examples. For over a year, Enbridge failed to report a 2019 valve leak in Ft. Atkinson, Wisconsin. Wisconsin and federal regulations required a report of the breach; that Enbridge excused itself

because Minnesota allows a 5-gallon threshold is unacceptable, and a disrespect to Wisconson regulators. Enbridge has dismissed Michigan Governor Whitmer's revocation of the 1953 easement to operate dual pipelines in the Straits of Mackinac. Just last year, Enbridge knowingly committed an "unauthorized groundwater appropriation during the construction of the Line 3 replacement project," according to Minnesota DNR, which fined the company $3.32 million for the breach of an artesian aquifer.

Enbridge also has a long and continuous history of false statements and failure to act responsibly. The National Transportation Safety Board recently found that Enbridge underestimated the degradation of the pipeline that exploded on August 1, 2019, near Danville, Kentucky. This deadly disaster was uncannily similar

to a six foot break in Pipeline 6B which went undetected or at least unreported for seventeen hours, after which the cause of pressure change was misinterpreted as a bubble, leading to a terrible decision to increase pressure in the line, which, of course, resulting in increasing leakage. Enbridge mishandled leaks on many other occasions. At Crystal Falls on Michigan's Upper Peninsula, after approximately 220 thousand gallons of oil were released, Enbridge intentionally ignited the vapor cloud, which resulted in a wildfire that burned for 36 hours, charring eight acres of wetlands. Possibly the largest inland pipeline leak in U.S. history, in 2010 at Kalamazoo, was also mishandled by Enbridge, which supposedly misinterpreted their own alarms. ACE would do well to deny such an imcompetent, reckless or heedless pipeline operator the opportunity to construct more (even if replacement) line clearly fated for repeated failure.

At least twenty-nine, well documented leaks aggregating over a million gallons of liquid fossil fuels have been the responsibility of Enbridge over a sixty-four year period. Fifteen failures of Pipeline 5 alone have resulted in approximately 260 thousand gallons of leaked oil or liquid gas, most in the Great Lakes Region. The largest is one of the largest inland pipeline leaks ever in the continental U.S., at Kalamazoo, the scope of which has been re-estimated by the U.S. EPA at over one million gallons, in an ongoing, immense environmental disaster. These examples and other previous incidents must be considered as risk assessment data.