

EIS SCOPE COMMENTS for the SCOPE of the ARMY CORPS of ENGINEERS DRAFT ENVIRONMENTAL IMPACT STATEMENT: LINE 5 TUNNEL PROJECT, MACKINAC and EMMET Counties, MICHIGAN

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This comment is in response to the notice that the Army Corps of Engineers will be taking comments on the scope of the Environmental Impact Statement it will draft concerning the “Line 5 Tunnel Project, Mackinac and Emmet Counties, Michigan” and found in the Federal Register at [v 86, n 156, p. 50074, 8/15/2022](#).

My name is Barry Feldman. I am a retired economist and quantitative analyst. I am also a member of [Extinction Rebellion](#), a global organization committed to using, as necessary, non-violent direct action to slow down and prevent catastrophic climate change. I make my comments as a member of Extinction Rebellion, as a resident of Chicago, Illinois, as a citizen of the United States, as a person living on formerly Indigenous land in North America, and as human being and member of the global human community.

The scope of the study to be conducted, which will assess the environmental impact of the Line 5 Oil Tunnel, may be considered in at least two key dimensions: the subjects of study and the parties involved in conducting the study.

Regarding subjects of study, [43 CFR 46.235](#) requires that “bureaus must use scoping to engage State, local and tribal governments and the public in the early identification of concerns, potential impacts, relevant effects of past actions and possible alternative actions.” Tribal and citizen concerns and concepts of possible alternative actions thus form an essential aspect of the scoping process.

Regarding the parties involved in effecting the study constituting an aspect of the study scope, [40 CFR 1501.7](#) envisions the potential involvement of multiple Federal agencies and requires that these agencies “determine, by letter or memorandum, which agency will be the lead agency and which will be cooperating agencies.” Citizen input regarding which Federal agencies are involved in the study is therefore appropriate.

I have two proposals regarding the scope of this study on the environmental impacts of the Line 5 Tunnel Project, one for subject material and one for parties involved. Regarding subject material I ask that the effects of the Line 5 Tunnel Project on the mining and refining of Canadian tar sands be an explicit and principal element of this study. Regarding the agencies involved, I ask that Federal agencies with public subject matter climate science expertise be involved in the study.

## 1. Include Effects on Tar Sands Mining and Refining in the Study Scope

The effects on tar sands mining and refining to be included in the scope should include at least: (1) on the total volume and rate of growth of tar sands mining, (2) the types of mining and refining methods used and their impact on Canadian boreal forests, (3) on the total volume of greenhouse gas emissions in CO<sub>2</sub>-equivalent terms and by specific gasses, (4) on the volume of mining tailings and their toxic content and effect, (5) the effect of these combined factors on climate risks, (6) the resulting impact on Indigenous peoples living in mining regions, (7) the effect on persons living in North America, and (8) the effects on the world.

Regarding studying the effects of the Line 5 Tunnel Project on the mining of Canadian tar sands, these effects should be studied both in regard to the currently expected effects and in regard to the future potential effects, that is, such as 95% worst-case possibilities.

Including the effects on tar sands mining in northern Canada in the scope of this study could be argued against on many bases. This area is remote from the Straits of Mackinac, the location of the Line 5 Tunnel project. It is not within the borders of the United States. There is little public reference to the role that Line 5 plays in the moving of tar sands-derived fossil fuel products. Even if it is agreed that Line 5 plays a strategic role in the distribution of tar sands-derived fossil fuel products, it may still be objected that, at this time, we need expansion of all fossil fuel sources. ‘

In respect to these objections, first the NEPA mandate allows the study of all environmental impacts. I was unable to identify any requirement that they be immediately proximate to the proposed project or that only environmental impacts within the United States could be considered. Further, even if such requirements existed, information from the requested enlargement of scope to tar sands-mining impacts would be necessary to evaluate the subsequent climate impact on the landmass of the United States.

Line 5 plays a crucial role in the distribution of tar sands-derived fossil fuel products. Line 5 is part of the Canadian mainline system that carries fossil fuel products from western to eastern Canada. [Line 5 can currently carry approximately 200 million barrels of oil a year](#). Alberta 2021 production of “marketable bitumen and synthetic crude oil (SCO)” products was approximately 1,120 million barrels (see [report](#), p. 84). Line 5 can thus currently carry about 18% of tar sands production.

It is important to observe that industry sources consider that pipeline capacity is the primary constraint on Canadian tar sands mining. There is a tight balance between tar sands oil production and current and expected pipeline capacities according to [Oil and Gas magazine](#). Oil that cannot be transported by pipeline may be transported by rail, but lack of pipeline capacity is an important factor in tar sands refining capacity expansion decisions. Lack of pipeline capacity is a clear signal to slow new construction.

In fact, it might be considered important for the United States and other concerned countries to send such signals as they are able to stop the expansion of Canadian tar sands mining and refining.

Approval of the Line 5 Tunnel Project would send exactly the opposite signal. The project as proposed constitutes a blank-check endorsement of the mining and refining of Canadian tar sands. This blank check is manifest as [the 21 foot width of the proposed Line 5 Oil Tunnel](#) (also see [here](#), slide 2). This 21 foot wide tunnel is being built to accommodate a 30 inch-wide pipeline. Enbridge has no other current commitments to utilize tunnel capacity. Considering the key role that Line 5 plays as part of Canada’s mainline oil pipeline, this excess capacity can only be seen as a real option on the further expansion of the Line 5.

The line of reasoning developed here may be troubling in light of increased demand for U.S. fossil fuels as a result of recent geopolitical tensions in Europe. While such circumstances may warrant approval of minimally environmentally destructive natural gas expansion, such tensions do not justify expansion of tar sands mining and refining. Tar sands-derived fossil fuels are commonly considered to be by far the most environmentally destructive fossil fuel products and to have the most destructive impacts on the climate as well. National Geographic [recently reviewed](#) the environmental destructiveness of tar sands mining and refining and noted that new [empirical research](#) shows that tar sands mining and refining emits more greenhouse gases than currently assumed. Review of such recent research could also be a part of the

study of the effects of the Line 5 Tunnel Project on environmental and climate damage caused by Canadian tar sands mining and refining.

In sum, the scope of this study must include the potential impact of the Line 5 Tunnel Project on Canadian tar sands mining and refining; and, further, that this impact be understood in the context of the current understanding of the environmental and climate damages likely and potentially caused by tar sands mining and refining.

## 2. Invite Federal Climate Science Expert Agencies to Participate in the Study

It is possible that this EIS might find that climate risks associated with the Line 5 Tunnel to be sufficient to make it irrational to build. Such a conclusion would be momentous in importance. It would challenge our relationship with Canada, our northern neighbor. It would provoke a fierce reaction from the fossil fuel industry. On the other hand, a positive EIS without science expert participation will certainly not be received willingly by the climate and environmental movements.

Because of the importance of this EIS, the many specialist assessments that necessarily are the heart of the study, should be made, so far as is possible, by recognized subject matter experts, scientists with a public research record and a reputation for integrity. To that end Federal agencies and organizations such the [National Science Foundation](#) and [NASA](#) should be invited to participate, this participation in the sense of [40 CFR 1501.7](#).

## Conclusion

Assessing the impact of the proposed Line 5 Tunnel on the mining and refining of Canadian tar sands and the resulting climate impact must be a part of the Army Corps' EIS for the Line 5 Tunnel Project. This assessment will be more credible if critical assessments are made by subject matter expert scientists with public work and reputation.