

14 October 2022

USACE, Detroit District
Line 5 Tunnel EIS
16501 Shady Grove Road
PO Box 10178, Gaithersburg MD 20898
Ref: USACE Project LRE-2010-00463-56-A19

Thank you for accepting public input regarding the scope of your crucial EIS for the proposed Great Lakes Oil Tunnel. Canada's Enbridge corporation has requested permits to build a large experimental tunnel under the invaluable Straits of Mackinac. We are only beginning to see and document the extent of Enbridge's ongoing damage and permit violations from recent Line (9)3 construction – which you and EPA are actively being requested to investigate under the Clean Water Act. We appeal to your common sense with regard to entrusting the same Canadian corporation, infamous for unreported oil spills and violation cover-ups, with 95% of our country's fresh surface water. The fossil-fuel era is ending and the challenges of fresh water scarcity have only begun. Given the immediate threat posed by the current Line 5, it should be shut down throughout the EIS process, if not permanently. In line with your mission, USACE should conduct a complete review of the proposed project as part of your EIS under the National Environmental Policy Act. This review should be as thorough as possible in scope, including at minimum:

- * Tribal sovereignty. The EIS must recognize that any action short of decommissioning Line 5 directly undermines Indigenous rights and violates long-standing Treaty agreements with sovereign Indigenous nations – Treaties designated by US Constitution Article VI as the supreme law of the land – while threatening the majority of the country's fresh surface water and perpetuating the climate crisis. Continuing to run fossil fuels under the Straits of Mackinac places massive, unnecessary risk on the Great Lakes and has been rejected by the 12 federally recognized Tribal Nations in Michigan which together make up the Three Fires Confederacy of the Ojibwe, Odawa, and Potawatomi – in effect furthering cultural genocide. Damage to land and water destroys food and cultural lifeways that are core to Tribal members' identity and survival.
- * Cultural archaeological site. USACE must meaningfully consult with Tribal Nations, the State Historic Preservation Officer, and the Advisory Council on Historic Preservation in the NHPA Section 106 process regarding possible adverse effects to the potential 10,000-year-old Indigenous cultural site located at the bottom of the Straits of Mackinac, near the proposed project. Tunnel construction could destroy this potential world heritage site and important cultural resource for local Tribal nations.
- * Drilling slurry. The applicant proposes to use a bentonite drilling slurry in a massive tunnel boring machine to drill through the Straits of Mackinac. Bentonite drilling slurry is a potentially hazardous waste. Bentonite, when released into surface water, expands and can coat the gills of fish, resulting in large fish kills. Given that the Straits of Mackinac are Treaty-protected fishing grounds for local Tribes and are, in fact, the most productive part of the Great Lakes Tribal fishery, the use of bentonite drilling slurry must be evaluated fully. Enbridge's track record of recent, unresolved frac-outs and aquifer breaches on the Line 3 expansion project should call its methods into question. A bentonite slurry spill into the Straits of Mackinac is too great a risk to take.

* Cumulative impacts. The EIS must consider all indirect and cumulative impacts and avoid segmentation of other pending proposals to modify Line 5, including, but not limited to, the proposed expansion through 180+ waterways that flow into Mashkiiziibii, the Bad River watershed, in northern Wisconsin. Allowing Enbridge to improperly segment permitting requests for multiple concurrent projects on one pipeline could prevent a thorough review of the cumulative impacts and potential environmental and climate damages of an unnecessary pipeline expansion through a critical and fragile ecosystem. Built in 1953 with an engineered lifespan of 50 years, the decaying Line 5 has spilled over a million gallons, with soil contamination found as recently as August 4.

* Inadequacy of geotechnical studies. Initial geotechnical studies performed on the Line 5 proposed tunnel site are inadequate, comprising roughly one-tenth of the industry recommended research for a tunnel of this scope. The inadequacy of these studies has not been considered by either the review of Michigan Department of Environment, Great Lakes, and Energy (EGLE) or Michigan Public Service Commission (MPSC). USACE must thoroughly review the complex geological and hydrogeological conditions that exist in the Straits of Mackinac and could preclude the feasibility of safely building a tunnel in this location.

* Climate impacts. In MPSC testimony, experts presented climate impact analyses of Enbridge's proposal and indicated the project would potentially add 27 million metric tons of carbon pollution annually. USACE must fully review the potential climate impacts of this project to ensure it adheres to US and global climate policy and commitments. EPA's detailed scoping comment report on the proposed tunnel's "likely significant impacts" requests protections for the global climate as well as the water, Tribal treaty rights, all of Michigan's vast natural resources, environmental justice, air quality, threatened and endangered species and habitats, in addition to specific analyses of spill risks and plans.

* Explosion risk during construction and operation. Over the course of MPSC's consideration of this proposal, expert testimony indicated 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. The US Department of Transportation's Pipeline and Hazardous Materials Safety Administration expressed concerns to MPSC about the operation and maintenance of this pipeline within the confined space of a tunnel. USACE must fully evaluate this risk. Further, in the limited geotechnical analysis that was completed, dissolved methane in groundwater above reportable levels was detected – also leading to an explosivity risk during construction.

* Comprehensive alternatives analysis. Independent studies have shown Line 5 is unnecessary; other options for transporting its products exist and could be implemented rapidly. Therefore, framing the review with only two options – current Line 5 versus proposed tunnel – can produce only an incomplete analysis. To avoid this error, the alternatives analysis should include an option that considers use of existing capacity elsewhere within Enbridge's pipeline system. If existing capacity is inadequate, the alternatives should assess expanding capacity elsewhere within Enbridge's pipeline system, as well as alternative forms of transport such as trains and trucks. The "no action" alternative should account for the fact that Enbridge is operating Line 5 in MI without a valid easement, in violation of the expressed will of Michigan's 12 federally recognized Tribal Nations who are stewards of this land and water, in spite of banishment by the Bay Mills Indian Community, and operating Line 5 in WI years after eviction by the Bad River Band of Lake Superior Chippewa and expiration of US Forest Service permits. Multiple ongoing lawsuits in both states could result in the decommissioning of this pipeline, which is significant for the "no action" alternative. In fact, in May 2021, Enbridge filed a depreciation study with the Federal Energy Regulatory Commission proposing an accelerated

depreciation schedule, estimating its Lakehead System had a remaining economic life of 19 Years – until 2040 – making Line 5 and the proposed oil tunnel an obvious candidate for decommissioning in 2022.

* Public input. Given the few justifications for building such an extreme project, and the myriad reasons to remove fossil fuels from the Great Lakes – our nation’s drinking water supply – it would be prudent for USACE to decommission Line 5 outright, throughout the EIS process, or at minimum, to extend the 60-day comment period on the proposed tunnel and hold additional in-person and online meetings. USACE should honor the Bay Mills Indian Community request for a designated meeting with Tribal citizens.

* Full EIS. We concur with the Indigenous Women’s Treaty Alliance, whose members have met with you, and sent you a letter in April, requesting the first-ever EIS of the entirety of Line 5:

We write to you as concerned Indigenous grandmothers, mothers, aunties, daughters, sisters, and two-spirit relatives who seek to protect all that is sacred for future generations. We are of the Great Lakes, where food grows on water. The wild rice (manoomin) is our sacred food. In our traditions, we view the land and water, the plants and animals, and the birds and fish as our relatives. We hold a responsibility to protect our water, our ecosystems, and our cultural lifeways for the next seven generations. Both the current Line 5 and the proposed Line 5 expansion threaten to irreversibly damage our drinking water, our ecosystems, and manoomin. Both the existing and proposed pipelines violate our tribal usufructuary rights. They endanger the Great Lakes’ waters and fisheries important to many people. They exacerbate the climate crisis that affects the whole planet. We oppose the continued operation of the old and failing Line 5. It transports 22 million gallons of crude oil each day through northern Wisconsin, Michigan’s Upper Peninsula, and under the Straits of Mackinac. It threatens catastrophic spills into the Great Lakes, which hold 95 percent of the surface freshwater in the United States. Bechtel Corporation built this pipeline in 1953 and Enbridge continues to operate it nearly 20 years past its engineered lifespan.”

Thank you.

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