

Ref: USACE Project LRE-2010-00463-56-A19

Thank you for accepting public input regarding the scope of this crucial EIS. In solidarity with the affected Indigenous women who have been meeting with you – the Indigenous Women’s Treaty Alliance facilitated by the Women’s Earth and Climate Action Network (WECAN) – regarding the disastrous ongoing and potential impacts of Enbridge Line 5 on their territories, I request USACE conduct a complete review of the proposed project as part of its EIS under the National Environmental Policy Act.

This review should be as thorough as possible in scope, including at minimum:

\* Comprehensive alternatives analysis – independent studies have shown Line 5 is unnecessary (1); other options for transporting its products exist and could be implemented in short order. Therefore, framing the review with the only two options being the existing Line 5 versus the proposed tunnel can produce only an incomplete analysis. To avoid this inadequacy, the alternatives analysis should include an option that considers using the existing capacity elsewhere within Enbridge’s pipeline system. If existing capacity is inadequate, the alternative 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 (2), in violation of the expressed will of Michigan’s twelve federally recognized Tribal Nations who are stewards of this land and water (3), and in spite of banishment by the Bay Mills Indian Community (4); and in Wisconsin, Enbridge continues operating Line 5 years after eviction by the Bad River Band of Lake Superior Chippewa (5). Ongoing lawsuits from the State of MI and the Bad River Band could result in the decommissioning of this pipeline, significant for the “no action” alternative. In fact, in May 2021, Enbridge filed a depreciation study with the Federal Energy Regulatory Commission in which it proposed an accelerated depreciation schedule, estimating its Lakehead System had a remaining economic life of 19 years (6) – until 2040 – making Line 5 and the proposed oil tunnel an obvious candidate for decommissioning in 2022.

\* 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 last month (7).

\* Tribal sovereignty – the EIS must recognize that any action short of decommissioning Line 5 directly undermines Indigenous rights, violates long-standing Treaty agreements with sovereign Indigenous nations that are designated by US Constitution Article VI as the supreme law of the land, threatens the majority of the country’s fresh surface water, and perpetuates the climate

crisis. Continuing to run fossil fuels under the Straits of Mackinac places massive, unnecessary risk on the Great Lakes and Michigan's twelve federally recognized Tribal Nations – which together make up the Three Fires Confederacy of the Ojibwe, Odawa, and Potawatomi – against their will, in effect furthering cultural genocide. Damage to land and water destroys food and cultural lifeways that are core to Tribal members' identity and survival.

\* Potential archaeological and cultural 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 potential 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. Significant care must be taken to prevent this.

\* Inadequacy of geotechnical studies – Initial geotechnical studies performed on the site for the Line 5 tunnel are inadequate, comprising roughly one-tenth of the industry recommended research for a tunnel of this scope. The inadequacy of geotechnical study 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.

\* Explosion risk during construction and operation – Over the course of MPSC's review 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. Further, PHMSA expressed concerns to MPSC about the operations 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. This leads to an explosivity risk during construction as well.

\* Climate impacts – In MPSC testimony (8), experts presented climate impact analyses of this 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 proposal to ensure it adheres to the goals of the U.S. and global climate policy.

\* 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 potential 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. Enbridge's track record of recent 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.

\* 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, or at minimum, to extend the 60-day comment period on the proposed tunnel and hold additional in-person and online meetings.

I fully support the Indigenous Women’s Treaty Alliance, who sent you a letter in April asking for the first-ever EIS of the entirety of Line 5, explaining: “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.” (9)

Thank you.

#### References:

(1)

<https://www.bridgemi.com/michigan-environment-watch/new-report-finds-enbridge-line-5-closure-will-cause-little-pain-michigan>

(2)

<https://www.detroitnews.com/story/news/local/michigan/2021/01/12/enbridge-not-comply-easement-revocation-continue-line-5-operation/6630978002/>

(3) [https://www.baymills.org/\\_files/ugd/869f65\\_f8e5288d82084540a9f0e7d5d6c0921f.pdf](https://www.baymills.org/_files/ugd/869f65_f8e5288d82084540a9f0e7d5d6c0921f.pdf)

(4) [https://narf.org/nill/documents/20210510BayMills\\_banish\\_Enbridge.pdf](https://narf.org/nill/documents/20210510BayMills_banish_Enbridge.pdf)

(5) <http://www.badriver-nsn.gov/natural-resources/threats/>

(6) <https://jacobinmag.com/2021/12/enbridge-oil-pipeline-fossil-fuels-climate-crisis-energy-costs>

(7)

<https://wcmcoop.org/2022/08/12/citizens-demand-independent-investigation-as-enbridge-line-5-leaks-in-wisconsin-and-line-3-aquifer-breach-in-minnesota-ruptures-again/>

(8) <https://www.youtube.com/watch?v=wTljlAY6yJs&t=28802s>

(9)

[https://d99d2e8d-06c9-433b-915d-f6e381b1acd4.usrfiles.com/ugd/d99d2e\\_2ebc5e8b59c547a0847c7a7ed1831522.pdf](https://d99d2e8d-06c9-433b-915d-f6e381b1acd4.usrfiles.com/ugd/d99d2e_2ebc5e8b59c547a0847c7a7ed1831522.pdf)

