



**ENVIRONMENTAL LAW
& POLICY CENTER**



**MICHIGAN
CLIMATE ACTION
NETWORK**

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RE: Comments of Environmental Law & Policy Center and Michigan Climate Action Network to the U.S. Army Corps of Engineers, Detroit District on the Supplemental Draft Environmental Impact Statement for the Enbridge Line 5 Tunnel Project

Dear Detroit District:

Environmental Law & Policy Center (ELPC) and Michigan Climate Action Network (MiCAN) provide these comments on the Supplemental Draft Environmental Impact Statement (“Supplemental DEIS”) issued for public comment by the U.S. Army Corps of Engineers (the “Corps”) on November 13, 2025. ELPC and MiCAN previously provided comments on the Corps’ Draft Environmental Impact Statement for the Enbridge Line 5 Tunnel Project (“DEIS”) issued for public comment on May 30, 2025. ELPC and MiCAN incorporate all prior comments on the draft chapters and appendices and the initial DEIS into these comments.¹ In addition to those prior comments, ELPC and MiCAN summarize further concerns with the Supplemental DEIS below.

The Applicant, Enbridge Energy, Limited Partnership’s (“Enbridge”), seeks to construct a four-mile tunnel beneath the lakebed of the Straits of Mackinac (“the Straits”) to house a new segment of its Line 5 pipeline that will transport oil and natural gas liquids across the juncture of Lake Huron and Lake Michigan for 99 years (the “Project”). The Project would replace two existing, 72-year-old pipelines that cross the Straits fully exposed along the lakebed (the “Dual Pipelines”), through which Enbridge transports 540,000 barrels per day (bpd) of oil and natural gas liquids to refineries and fractionators, primarily in Sarnia, Canada.² Enbridge’s preferred

¹ See MiCAN & ELPC Comments to USACE on Draft EIS for Line 5 Tunnel Project (June 30, 2025) (incorporated fully herein); ELPC/MiCAN Line 5 Scoping Comments (October 14, 2022) (incorporated fully herein). Those prior comments also incorporated comments, supporting materials, and expert reports of other stakeholders. All of those prior comments and materials are incorporated into these comments by reference as if fully set forth herein.

² See, e.g., DEIS at pages 1-14, 4-182.

Project would be to bore a massive fossil fuel tunnel crossing the Great Lakes, which hold one-fifth of the world's fresh surface water, beneath the ecologically important Straits, which are home to significant fisheries and spawning grounds, endangered and threatened species of wildlife and their habitats, and coastal wetlands, and a crucial crossing point for thousands of migratory birds.

The Project, if constructed, would significantly affect the natural environment of Michigan and the Great Lakes and the quality of the human environment.³ The Corps prepared the DEIS pursuant to the National Environmental Policy Act ("NEPA")⁴ during its evaluation of Enbridge's application for a permit pursuant to Section 404 of the Clean Water Act ("CWA"),⁵ and Section 10 of the River and Harbors Act ("RHA").⁶ The DEIS, however, failed to comply with NEPA in several important respects, outlined in the prior comments. The Supplemental DEIS, moreover, does not cure, or even attempt to cure, the fundamental flaws of the DEIS that were identified and explained in the prior comments. Nor does the Supplemental DEIS address the key legal and factual issues discussed in the prior comments responding to the DEIS. Rather, the Supplemental DEIS addresses a Horizontal Directional Drilling ("HDD") alternative to the tunnel that constitutes Enbridge's proposed and preferred plan.

The alternative considered in the Supplemental DEIS relies on the use of the HDD intersect method to drill a borehole, or just a smaller diameter tunnel, beneath the Straits through which Enbridge would route a 30-inch diameter pipeline to continue the operation of Line 5. The Corps had previously considered but dismissed the HDD method as technically infeasible in its May 30, 2025 DEIS, but then abruptly shifted its position and requested additional information from Enbridge specific to the HDD alternative.⁷ Based on that recently-submitted information from Enbridge, the Corps determined that construction using an HDD alternative method would be carried forward for analysis in the Supplemental DEIS.

The HDD intersect method described by Enbridge in Appendix F to the Supplemental DEIS would use a "micro-tunnel boring machine" as well as other heavy equipment to drill a borehole under the Straits. This work would require a workspace for a drill rig on both the north and south sides of the Straits.⁸ The drilling would commence from both the north and south shorelines, first with a 12.25-inch pilot hole, excavating from both shores, and intersecting at a middle point.⁹ Once the drill bits intersect, both would then travel back to the north side, requiring an additional workspace for the purpose of removal.¹⁰ The borehole size would then be increased

³ See 42 U.S.C. § 4332(2)(C).

⁴ 42 U.S.C. § 4321, *et seq.*

⁵ 33 U.S.C. § 1344.

⁶ 33 U.S.C. § 403.

⁷ See U.S. Army Corps of Eng'rs, MFR on Screening of Horizontal Direction Drilling Alternative for the Enbridge Line 5 Tunnel Project Environmental Impact Statement (Sept. 16, 2025).

⁸ Suppl. DEIS, App. F, at F-12; *see generally id.* at F-3–F-15.

⁹ *Id.* at F-12.

¹⁰ *Id.*

with additional drilling to a minimum of 42 inches.¹¹ While drilling is occurring, a drilling fluid slurry would circulate under pressure through the drilling tools to lubricate the drill bit, remove drill cuttings (excavated material), and stabilize the borehole.¹² Separately, while drilling is ongoing, pipe segments would need to be fully assembled and tested before threading the pipeline into the borehole once completed.

Under Sub-Alternative 1 for the HDD method, the pipeline would be assembled, tested, and threaded into the borehole on the south side of the Straits, traversing areas of land such as French Farm Lake Flooding State Wildlife Management Area and the eastern portion of Headlands International Dark Sky Park, along with the use of an existing right-of-way.¹³ Under Sub-Alternative 2, the pipeline would be assembled, tested, and threaded into the borehole on the north side of the Straits, traversing areas such as the Hiawatha National Forest.¹⁴ Both sub-alternatives would require completely clearing a path stretching four miles long and 80 feet wide for the pipeline assembly and associated storage for felled trees.¹⁵ The cleared path would be matted and leveled. The pipeline would be assembled from 80-foot sections and would be welded and tested along either sub-alternative path.¹⁶ A substantial portion of the sub-alternative footprints do not coincide with the existing limits of disturbance for the Project and instead utilize distinct footprints for construction, laydown, and staging. Under both sub-alternatives, it is estimated that construction of the borehole using the HDD method would take approximately 24 months to complete, and that welding and testing the pipeline and inserting it into the final borehole would take less than one month to complete.¹⁷

The Supplemental DEIS maintains the flawed course charted by the DEIS without making any course corrections, notwithstanding substantial constructive input from stakeholders through public comments in response to the DEIS. The HDD method addressed by the Supplemental DEIS is merely a different tunneling technique aimed at continuing to transport oil and natural gas liquids through the Straits, with all the accompanying significant environmental impacts and risks, for another century. By failing to correct the flaws of its original approach and advancing just another alternative that poses the same impacts and risks, the Corps continues to violate its statutory obligations in the permitting process.

First, the Corps continues improperly and unlawfully to use special “emergency” permitting procedures to compress substantially the public’s opportunity for review and comment, and to advance Enbridge’s application toward a predetermined approval decision. The Corps has

¹¹ *Id.*

¹² *Id.*

¹³ Suppl. DEIS, at 4-4; *see also* App. F, Fig. F-1 (HDD Installation Sub-Alternative 1: Pipeline Assembly Area South).

¹⁴ Suppl. DEIS, at 4-7; *see also* App. F, Fig. F-2 (HDD Installation Sub-Alternative 2: Pipeline Assembly Area North).

¹⁵ Suppl. DEIS, App. F, at F-15.

¹⁶ *Id.*

¹⁷ *See* Suppl. DEIS, at F-13; *see also*, Suppl. DEIS, App. F, Fig. F-4 (HDD Installation Alternative Construction Sequence).

not given the public sufficient time to review and comment on the Supplemental DEIS; nor, apparently, will the Corps devote sufficient time to fully considering comments. Far from informed deliberation and decision-making, this “emergency” process predetermines a permit approval outcome.

Second, the Supplemental DEIS, like the DEIS, fails to adequately analyze the reasonably foreseeable environmental effects, including, in particular, reasonably foreseeable adverse environmental effects from greenhouse gas emissions and climate impacts that cannot be avoided should the Project be implemented.¹⁸ Neither the Supplemental DEIS nor the DEIS make use of reliable data and resources regarding greenhouse gas emissions and climate impacts, or undertake scientific or technical analysis of these effects.¹⁹ Indeed, even though the Corps previously stated in a scoping memorandum that it would at least perform and present an analysis of greenhouse gas emissions from construction and operation activities at the Straits crossing,²⁰ the Supplemental DEIS, like the DEIS before it, neglects entirely to conduct even that very limited analysis of greenhouse emissions.

Third, neither the Supplemental DEIS nor the DEIS analyze a reasonable range of alternatives to the Project, including a proper no-action alternative where the permit request is denied and the existing Dual Pipelines cease operation.²¹ In addition to failing to comply with the requirements of NEPA, both the Supplemental DEIS and the DEIS also fail to comply with the requirements of the public interest review that the Corps must conduct.²²

Fourth, the Supplemental DEIS, like the DEIS before it, defines the Project’s purpose and need too narrowly for a true hard look at the Project’s effects or consideration of real alternatives, including those that do not permanently destroy wetlands, alter lakebed geology, and denigrate important cultural sites.²³ The Corps’ analysis continues to miss crucial aspects of the Project that reveal that the impacts will be considerably worse, including the perpetuation of oil spill risks throughout the Great Lakes watershed, the climate impacts from building a massive new fossil fuel infrastructure project, and the disproportionate impacts on Tribal Nations. These adverse environmental effects will be born by the public, whereas the benefit flows to Enbridge, allowing it to continue transporting oil and natural gas liquids across the Straits for decades to come despite the public’s concerns and policymakers’ decisions that fossil fuel products should not flow in the

¹⁸ See *d.* at §§ 4332(2)(C)(i) – (ii).

¹⁹ See *id.* at §§ 4332(2)(D) – (F); *id.* at §§ 4336(b)(3)(A), (B)

²⁰ *Id.* at page 10.

²¹ See *id.* at § 4332(2)(C)(iii).

²² See 33 CFR § 320.4(a).

²³ NEPA jurisprudence is clear that the purpose of a project may not be so narrowly defined as to effectively rule out other alternatives from the start. See, e.g., *Simmons v. U.S. Army Corps of Eng’rs*, 120 F.3d 664, 666 (7th Cir. 1997) (“If the agency constricts the definition of the project’s purpose and thereby excludes what truly are reasonable alternatives, the EIS cannot fulfill its role. Nor can the agency satisfy the Act.” (citing 42 U.S.C. § 4332(2)(E))).

Great Lakes. Both the Supplemental DEIS and the DEIS elevate Enbridge's corporate interests over the public interest, undermining protection of the Great Lakes for all who depend on them.

For these reasons, and the reasons disclosed in their prior comments and the incorporated comments of other stakeholders, ELPC and MiCAN respectfully submit that the Corps should deny Enbridge's application or, at the very least, revise, supplement, and issue for public review and comment a new environmental impact statement that addresses the numerous fundamental flaws in the Supplemental DEIS and the DEIS identified by commentators, including addressing greenhouse gas emissions and climate impacts.

Respectfully submitted on behalf of
ELPC and MiCAN,

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