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RE: Enbridge Energy's Application for Renewal of Line 5 Special Use Authorization,
SUP #44889

Dear Ms. Owens and Mr. Strong:

It has recently come to our attention that the Forest Service may soon decide whether to issue a Special Use Permit authorizing Enbridge Energy to continue to operate an oil pipeline through the Chequamegon-Nicolet National Forest near Ashland, Wisconsin. We are writing to urge you to deny that application.

36 CFR 251.54(e)(5) states, with respect to Special Use Permits, that proposals must be screened to ensure that "the proposed use will not pose a serious or substantial risk to public health or safety," and that any proposed use which "would not be in the public interest" should be rejected. We believe the Enbridge Pipeline permit application can and should be rejected under these criteria.

Enbridge has not demonstrated an ability to operate pipelines safely, nor has it demonstrated that it has the necessary human, financial, and other resources to keep the public safe from foreseeable releases of the dangerous chemicals it proposes to continue shipping through its pipeline. Enbridge-operated pipelines have an extensive record of mismanagement and a long history of spills, documented last year in a Wisconsin Public Service Commission filing by attorneys for landowners adjacent to the proposed new pipeline route south of the Bad River Reservation (Attachment A). That compilation ended in 2015, but not because Enbridge improved the safety of its pipeline construction and maintenance activities. Additional incidents

have occurred since then, most notably the violations on Enbridge's Line 3 construction project near the Clearbrook Terminal in Clearwater County, Minnesota, in January, which resulted in fines of \$3.32 million for Enbridge's breach of an aquifer that caused the release of more than 24 million gallons of groundwater. In a September 16 news release, the Minnesota Department of Natural Resources announced it was issuing the fine and would be referring the matter to the Clearwater County Attorney's Office for criminal prosecution. "Enbridge's actions are clear violations of state law and also of public trust," DNR Commissioner Sarah Strommen said in the release. "This never should have happened, and we are holding the company fully accountable." Ten months later, Enbridge still has not stopped the breach of the aquifer, and notably, Enbridge never disclosed the breach – it was only due to the concerted monitoring efforts of citizens that the breach became known.

Spills must be expected, unfortunately, as Line 5 was built in 1953, which makes it already 29 years older than the oil pipeline that broke and spoiled the Kalamazoo River in 2010. Line 5 was not built to withstand the high pressures used today, nor the volume (over 22 million gallons/day) and corrosive materials it carries today.

The pipeline is located less than a mile from the Moquah Barrens State Natural Area. A valuable research site for almost a century, projects like vegetation succession management, sharp-tailed grouse reintroduction, and bluebird restoration could be upended catastrophically by a pipeline malfunction. Even a less disastrous discharge could derail decades of investment by the USFS in ecosystem management at this site.

A few miles east of the Forest land, despite Bad River tribal easements that lapsed in 2013 and a lawsuit filed by the Bad River Band of Lake Superior Chippewa in 2019, the oil continues to flow, threatening the Bad River and Kakagon Sloughs complex. The Sloughs have been designated a RAMSAR site – a wetland of international importance. The wild rice beds in the Sloughs are of cultural and subsistence importance to tribal members.

The operation of an oil pipeline just a few miles from the largest body of freshwater in the world and through the Bad River Watershed, one of the most vulnerable watersheds in the state, poses grave threats to fragile ecosystems and species. The Lake Superior Lakewide Action and Management Plan (LAMP 2013) lists 145 species and communities of conservation concern within the region through which the pipeline passes.

The north-flowing streams in the Bad River Watershed pass through unstable transitional soils and steep ravines and respond quickly to rain events. In the extreme rain events of 2016 and 2018, new channels and gullies formed, streambanks slumped, many roads washed out, and the landscape was re-arranged. Severe weather events like these are widely reported to be increasing in frequency and severity. The next storm could wash soil away from beneath the pipeline or send debris crashing into it. If another catastrophic flood occurs, washing out roads once again, emergency responders will not be able reach critical areas. There would be no way to stop an oil spill from coating the riverbed, killing fish, destroying wild rice beds, washing out into Lake Superior and even up on the shores of the Apostle Islands. Tourism would be affected and our way of life, both spiritually and economically, would be diminished.

It seems there has been a determination that this permit (re)issuance falls within the “categorical exclusion” provisions of NEPA, and that an EIS is, accordingly (arguably) not required. We question that conclusion, however, inasmuch as circumstances have changed dramatically since the original permit was issued many years ago. Understanding of the adverse global impacts resulting from a continuing proliferation of fossil fuel infrastructure has grown exponentially. It is, unfortunately, not overly dramatic to posit that our failure to act on that knowledge may spell doom for the planet.

Regarding socio/economic risks associated with the pipeline--part of the fossil fuel infrastructure that is a primary cause of the climate crisis--it should be noted that the financial picture for fossil fuels is changing rapidly. Enbridge has decreased its capital spending by \$1 billion this year, and is cutting \$300 million in operations (Suncor Energy has had a \$3.5 billion loss, with dividends 55% down). Construction of new fossil fuel infrastructure raises concerns of financial insolvency for the maintenance/liability of the infrastructure. We must divest from fossil fuels to combat climate change.

The global drive toward consumption resulting in an economy based on extraction and profit is unsustainable and unjust. The consequences threaten humans and the natural world. The climate crisis is an overlying threat to existence. People most at risk - those living in poverty, people of color, those with higher health risks, children, and elders - have been disproportionately impacted. Other financial and economic risks associated with pipelines include their impact on wetlands, waterways and terrestrial ecosystems and associated relationships to the forestry, agricultural, tourism/recreational economic base and future economic development. The value of these ecological “services” has been controversial and notoriously difficult to calculate. Additionally, state and local costs for public safety, local disaster response, medical emergency planning, and emergency evacuation plans related to pipeline safety are often not taken into account.

Much is known about the portions of Northern Wisconsin through which the pipeline passes, and it gives rise to grave concerns about the probable adverse impacts of the project. Much more is not known. The area is one of complex hydrogeology, relatively few biological surveys or inventories, undocumented trout streams, flashy and fragile streams, a sensitive aquifer and treasured recreational sites, including Copper Falls State Park and the Moquah Barrens State Natural Area. The full scope of the environmental impacts which this pipeline may have will not be known until it is too late.

We urge you to support the current Administration’s climate change goals, as reflected in President Biden’s Executive Orders 13990 and 14008, which direct federal agencies to ensure use of sound science and fair processes to address the climate crisis and environmental injustice, shifting away from fossil fuels to renewable energy. The continued use of Line 5 to transport petroleum products promotes extraction and use of carbon-intensive fuels, and is, accordingly, most definitely not “in the public interest,” as mandated by 36 CFR 251.54(e)(5).

Line 5 carries Canadian crude oil products back to Canada with a small portion benefiting the people of Michigan. Wisconsin should not carry the risk.

Thank you for your consideration of these comments. Please do not hesitate to contact us with any questions.

Sincerely,

Debra Cronmiller, Executive Director
League of Women Voters of Wisconsin



Tony Wilkin Gibart, Executive Director
Midwest Environmental Advocates



Brett Korte, Energy & Climate Manager
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Elizabeth Ward, Chapter Director
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