



April 13, 2022

To the Wisconsin Department of Natural Resources:

The Superior Rivers Watershed Association urges the Department of Natural Resources to rewrite its draft environmental impact statement (DEIS) for Enbridge's Line 5 Reroute Project. We feel the DEIS inadequately addresses the potential impacts and lacks the data and analysis necessary to formally assess this project's risk on the affected watersheds and the communities they sustain.

Superior Rivers Watershed Association (SRWA) is a non-profit organization based in Ashland, Wisconsin whose mission is to promote and protect clean water resources in Wisconsin's Lake Superior basin. We represent about 200 active members who live and/or recreate in the affected watersheds. Originally formed in 2002 as the Bad River Watershed Association, our organization collects water quality data across ten watersheds that drain to Lake Superior, including many of the streams that would be crossed in this proposal. Our data has been used to give special designations to 180 miles of riverways, inform local decision makers, and help stakeholders understand the effects of climate change and other factors on waterways around Lake Superior's South Shore. The proposed Line 5 reroute runs directly through the heart of SRWA's service area.

SRWA's main concern is that the Line 5 reroute project will increase by at least 3-fold, rather than minimize, the potential for water quality degradation. Our position is that transportation of hazardous materials, including pipelines carrying oil, gas, and other toxic fluids, should avoid crossing Lake Superior's watersheds. When that is not possible, all precautions should be taken to minimize the potential for harm to water quality. We feel the mitigation measures outlined in this proposal are insufficient.

For example, the current EIS does not adequately address the impacts and effects pipeline construction and potential leaks or spills would have on the adjacent ecosystems and communities. The proposed corridor will cross State of Wisconsin Department of Natural Resources-designated Exceptional or Outstanding Resource Water stream segments nine times; it will cross Beartrap Creek, the White River, the

Marengo River, the Brunsweler River, Krause Creek, the Bad River, the Potato River, Vaughn Creek, and twice cross the Tyler Forks River. The pipeline will also cross Class I or II trout streams eleven times: it will cross the White River, Billy Creek, Krause Creek, Camp Four Creek twice, Gherman Creek twice, and Silver Creek four times. It will cross US-Fish and Wildlife Service-designated critical brook trout fishery stream segments five times. These waterways are critically important and an insufficient analysis of this project's effect could put them and the communities, ecosystems, and economies they support at risk.

We at the Superior Rivers Watershed Association argue that the EIS assessment of water quality impacts of the Line 5 reroute project is inadequate and requires revision to address the following concerns:

- **Sections 7.8.1, 7.8.2, and 7.8.3 acknowledge potential risk to surface, groundwater, and drinking water, but lack an analysis of the specific effects of a spill or leak on water quality.** Considering the potential of frac-outs and subsequent chemical releases to waterways during drilling, observed at 12 out of 19 horizontal directional drilling sites during Enbridge's recent Line 3 construction, it's necessary to have a more data driven analysis of the potential effects of the different chemicals used in drilling-mud on water quality and aquatic life.
- **There is a notable lack of data in the analysis of pipeline construction or an oil spill's impact on Lake Superior and the Chequamegon Bay.** In section 6.10.6, construction impacts are minimally assessed. The DEIS states, "*Given the size and volume of Lake Superior the impacts of construction on Lake Superior would likely be very minor compared to existing sediment and pollutant loadings.*" This is vague and requires comprehensive data that assesses the cumulative impacts to back up this statement.
- **Concerns about oil spill are minimized in section 7.8.1.** The DEIS states, "*while it could be possible for spilled oil to reach Lake Superior, it is unlikely that large volumes of oil will reach this area...*" We disagree and suggest that fast-flowing waters of these streams could quickly flush large quantities of pollutants to Lake Superior and believe further evidence is required to make such a claim.
- **Lack of data collected on how pollutants congregate and move around Chequamegon Bay and into Lake Superior, and the suggestion that the**

effects of a spill or sedimentation on the Bay would be “minor”. This is of special concern considering the Chequamegon Bay is the source of the City of Ashland’s drinking water and sustains recreational, commercial, and tribal fisheries, tourism, and the health and well-being of area residents and visitors.

- **Insufficient analysis of the effects of a spill on the Kakagon Sloughs, which were designated as a Wetland of International Importance by the United Nations Ramsar Convention in 2012.** This globally unique ecosystem supports wild rice, supports diverse Lake Superior and inland fisheries, controls flooding, and filters pollutants from water. Section 7.8.1.2 assumes the area would be protected well and gives little to no analysis of the potential effects if a spill were to occur. We disagree with this assumption.
- **Lack of investigation into how construction through wetlands and streams results in erosion, gullies, and silt deposits downstream, and what the subsequent impacts to aquatic species or the exacerbation of flooding in the region would be as a result.** The soils and hydrology of the region are complex. The proposed pipeline would encircle the majority of the Bad River watershed with a continuous 6 foot deep trench that could alter surface and subsurface water flow. Ephemeral streams, wetlands, and cold water trout streams are dependent on surface and subsurface water flow and the potential effects of this trenching is not addressed sufficiently.
- **Insufficient analysis of the effects of localized climate change impacts on project construction and maintenance.** The Bad River watershed is an historically flood-prone region, and has been subjected to three record-breaking flooding events since 2012. These events have resulted in loss of life, property, and infrastructure, twice on a catastrophic scale. Multiple regional climate models forecast increasing frequency of large precipitation events. The DEIS does not acknowledge what sort of impact such an event could have on project construction, pipeline stabilization, or a spill.
- **Inadequate investigation of potential harms to granite aquifers via blasting, specifically how the increase of faults could affect groundwater storage and the surface to groundwater connection.** Sections 6.6.2 and 6.8.1.2 lack acknowledgement of impacts to aquatic ecosystems from changes in hydrology due to blasting impacts. Recent local issues have drawn attention to groundwater and it is clear the state and supply of groundwater in Bayfield and Ashland Counties are not fully mapped

or understood. Without a more complete understanding of the groundwater supply, risk cannot be adequately measured.

- **Inadequate investigation of the risk of private well contamination after a spill via newly created fractures in bedrock.** Neither section 6.8.3.1 nor 6.8.3.2 address contamination in private wells via a pipeline rupture or spill.
- **Lack of a cumulative impacts section.** Cumulative impact analysis is essential for assessing this project in context of the current environment, emerging climate issues, and human uses. For example, the frequency of storm events is likely to increase and will compound any sort of erosion associated with project construction and maintenance which may have continuous effects to aquatic ecosystems and water quality downstream.

There are additional natural and cultural impacts that should be considered in consultation with our First Nations colleagues at the Mashkashibi (Bad River) Natural Resources Department, Red Cliff Treaty Natural Resources Division, and the Great Lakes Indian Fish and Wildlife Commission. Without a more detailed, data driven analysis of the potential impacts to water quality, stakeholders cannot begin to understand the extent and duration of said impacts nor can we determine how effectively they could be responded to or remediated. We find the existing EIS is inadequate for an informed assessment of impacts.

In conclusion, the Superior Rivers Watershed Association believes the DEIS is insufficient for assessing the risk of this project on local waterways and groundwater. With so much at stake and the risk for numerous ecological and community safety issues, this is not a decision which can be made without being fully informed. We request that the Department of Natural Resources not grant permits for Enbridge to create a new section of Line 5 in Wisconsin before it completes a comprehensive rewrite of the Environmental Impact Statement.

Sincerely,

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