

Wisconsin Infrastructure Investment Now, Inc.  
4230 East Towne Blvd. #245  
Madison, WI 53704  
[www.wisconsininfrastructure.com](http://www.wisconsininfrastructure.com)



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Line 5 EIS Comments  
DNR (EA/7)  
101 South Webster Street  
Madison, WI 53707

*Via E-mail:* [DNROEEACOMMENTS@WI.GOV](mailto:DNROEEACOMMENTS@WI.GOV)

RE: Comments on Draft Environmental Impact Statement on Enbridge's proposed relocation of its Line 5 petroleum pipeline in Ashland, Bayfield and Iron Counties

To Whom It May Concern:

Wisconsin Infrastructure Investment Now, Inc. (WIIN) is a nonprofit organization, and its mission is to educate the public, elected officials, and regulators on the societal and economic benefits of the responsible investment in infrastructure projects. WIIN appreciates the opportunity to comment on the Draft Environmental Impact Statement (DEIS) for the Proposed Enbridge Line 5 Relocation Project (Line 5 Project) and wishes to thank the Wisconsin Department of Natural Resources (DNR) for the substantial time and effort it took to prepare the detailed analyses set forth in the DEIS. While the DEIS is very good now, as set forth below, WIIN requests additions to section 9.6.1 and the creation of a summary for section 6.

WIIN respectfully requests that section 9.6.1, Socio-economics, No Action Alternative be expanded upon. The DEIS identifies only two socio-economic impacts if Line 5 were to be decommissioned with no alternative means of transporting the oil and refined products: 1) propane price increased in the Midwest and Canada; and 2) loss of tax revenue to the state and municipalities. The impacts are largely understated, and other potential impacts have been omitted.

While the Proposed Route (and Alternatives) Option has primarily localized socio-economic impacts, the same is not true of the No Action Alternative. With respect to propane prices, if Line 5 were to be decommissioned, it is expected that two refineries that serve the Midwest and Canada would close.<sup>1</sup> Refineries in Michigan, Ohio, Pennsylvania, Ontario and Quebec will lose about 45% of their product input.<sup>2</sup> These are potential international impacts

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<sup>1</sup> See The Regional Economic and Fiscal Impacts of an Enbridge Line 5 Shutdown, Consumer Energy Alliance (2021), avail.at [https://consumerenergyalliance.org/cms/wp-content/uploads/2021/05/CEA\\_LINE5\\_REPORT\\_2021\\_DIGITAL\\_FINAL.pdf](https://consumerenergyalliance.org/cms/wp-content/uploads/2021/05/CEA_LINE5_REPORT_2021_DIGITAL_FINAL.pdf) (hereinafter referred to as the Regional Study).

<sup>2</sup> Regional Study. P.7

due to a No Action Alternative that would directly result from Wisconsin's failure to permit the Line 5 Project.

Since the DEIS was released, the global crisis in Ukraine has demonstrated the need for North America to secure independent, reliable energy sources. The cost of crude oil in the U.S. was \$92.77 on February 24, 2022, and rose to \$119.26 by March 7, 2022.<sup>3</sup> The cost of propane used for residential heating rose 7% due to the global crisis and is up 37% since this time last year.<sup>4</sup> Section 9.4.1.2 of the DEIS estimates that closure of Line 5 would result in a \$0.25 increase in propane, which is another 9-16% increase (depending on the date used for comparison) for Wisconsin residents. Such substantial propane price increases could have a disproportionate effect on Indigenous Americans and other communities of color, who are disproportionately in poverty<sup>5</sup> and were the hardest hit by unemployment from the COVID-19 crisis.

Section 9.6 also fails to analyze the job losses in Wisconsin and surrounding states due to a Line 5 decommissioning. Enbridge employs more than 350 people in Wisconsin, many of whom will undoubtedly lose their jobs if Line 5 were to shut down. This negative economic impact should be calculated and included in the final EIS.<sup>6</sup> Job loss throughout the Midwest due to closure of refineries and downstream industries is estimated to be 33,755 jobs, \$2.36 billion in wages and benefits, and \$20.8 billion in lost economic activity.<sup>7</sup> Section 9.6.1 should also note the foregone *positive* economic benefits, which are described in section 6.17.2, if the Line 5 Project does not proceed.

The DEIS is 352 pages without the addenda. Section 6, which is over 100 pages long, is a particularly critical section of the DEIS because it describes the effects of the proposed project and route alternatives. It would make the document more accessible to the public if a summary of the significant findings were included at the beginning of Chapter 6, directly above section 6.1. Of critical importance to a summary are the following findings from Section 6:

- Long-term noise impacts are not anticipated, § 6.1;
- Due to the rural nature of the project, rush-hour congestion from construction traffic is not anticipated, § 6.2;

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<sup>3</sup> See Crude Oil Historical Pricing Data, United States Energy Information Administration (EIA), avail. at <https://www.eia.gov/dnav/pet/hist/RWTCD.htm>.

<sup>4</sup> Wisconsin Residential Propane Price, Charts (2022), avail. at [https://ycharts.com/indicators/wisconsin\\_residential\\_propane\\_price](https://ycharts.com/indicators/wisconsin_residential_propane_price) (compare February 21, 2022 and March 14, 2022 pricing).

<sup>5</sup> Wisconsin 2020 Report, Talk Poverty, avail. at <https://talkpoverty.org/state-year-report/wisconsin-2020-report/>; and

<sup>6</sup> Section 9.6.2 of the DEIS concludes that job loss due to a Line 5 decommissioning would be offset (or result in a net job increase) if the products transported through Line 5 were to switch to truck or rail transportation. The analysis does not take into account job quality differences. There can be little doubt that truck drivers make considerably less and spend large amounts of time away from home compared to pipeline operators.

<sup>7</sup> Regional Study, p. 4.

- No air permits are anticipated for this project since there would be no changes to the Superior Terminal's throughput, or capacity on the existing Line 5 system that would increase air pollution emissions, § 6.3;
- Because the Line 5 Project does not provide natural gas liquids or crude oil to new markets or to new users (*i.e.*, it is a replacement of a section of an existing pipeline), the direct and reasonably foreseeable environmental impacts regarding GHGs and the regional climate for the Project would not be significant, §§ 6.4 and 6.5;
- Construction of the project is not expected to result in substantial amounts of combustion emissions or GHGs due to the short amount of time it would take to construct the pipelines, §§ 6.4 and 6.5;
- Impacts to public safety during normal construction activities are expected to be minor, § 6.6;
- Geohazard areas were avoided to the extent possible, and those hazards that could not be avoided were evaluated and a mitigation strategy was created for each hazard, § 6.7;
- Construction of the Line 5 Project would not have direct impacts, indirect impacts, long-term impacts or cumulative impacts on the large-scale properties of any of the rock formations along the possible routes, § 6.8;
- No long-term or cumulative impacts are anticipated from the route alternatives to the Copper Falls Aquifer, the Lake Superior Sandstone Aquifer, the Fractured Crystalline Aquifer or the Tyler Formation, public water systems, private wells, or artesian wells, §§ 6.8.2.1-6.8.3.3;
- Indirect impacts, long-term impacts and cumulative impacts are not anticipated from soil compaction, from grading exposure, or to droughty or rocky soils, §§ 6.9.1-6.9.4;
- Erosion during or after construction may be largely mitigated through construction and long-term erosion control measures, §§ 6.9.4-6.9.6;
- While the Line 5 Project is expected to cross 61 ditches, streams, swales or rivers,<sup>8</sup> impacts are mitigated by selection of construction methods for each crossing (*e.g.*, HDD), use of DNR technical standards, proper post-construction stabilization, and erosion control measures,<sup>9</sup> §§ 6.10.2-6.10.3.2;

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<sup>8</sup> The Line 5 Project route and alternatives all avoid kick points, such as waterfalls, § 6.10.3.1.

<sup>9</sup> It is our understanding that Enbridge has submitted an Environmental Protection Plan (EPP) to the DNR. The EPP contains rigorous mitigation techniques affecting, among other things, the crossing of ditches, streams,

- The proposed route, and one alternative, have no inland lake crossings, § 6.10.5;
- Impacts of construction of the Line 5 Project on Lake Superior would likely be very minor compared to existing sediment and pollutant loadings, § 6.10.6;
- It is unlikely the Line 5 Project would have adverse effects on the Kakagon-Bad River Sloughs, § 6.10.7;
- Impacts to wetlands are unavoidable given the ecological communities in the area, however, most of the impacts would be temporary, with only .02 acres of wetland experiencing permanent impacts, § 6.11;
- Depending on the route, 279-1,043 acres of forested land are impacted by the project (with half of the impact being permanent because the acreage is within the permanent right-of-way); however, there is no regulatory requirement for compensatory mitigation loss for upland forests in Wisconsin, and the land required for the project was acquired through voluntary agreements with landowners, § 6.12.1;
- Neither long-term nor cumulative impacts to agricultural lands are anticipated to result from any of the alternatives and only one acre of agricultural land is permanently impacted, §§ 6.12.2 and 6.20;
- The generally sandy nature of the soils in upland and organic soils in lowlands along the proposed route would not be significantly changed by the Line 5 Project, § 6.13;
- Impacts to wildlife, fish, plants and endangered species are primarily temporary disturbances and may be mitigated, § 6.14;
- Invasive species due to construction may be limited through construction BMPs and the discharge of hydrostatic testing water to the same source, § 6.15;
- The preferred route avoids areas of special natural resource interest, § 6.16;
- The positive direct, indirect and induced economic impacts of the Line 5 Project on Wisconsin are estimated to be nearly \$135 million, § 6.17.2;
- Enbridge has agreed to contract with Tribal member-owned businesses and employing Tribal members to work on the Project and has spent over \$2.6 million to-date directly with Tribal member-owned businesses and employing Tribal members working in Wisconsin, § 6.17.3;

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swales or rivers. The final EIS should incorporate the mitigation techniques related to construction that are outlined in the EPP.

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- Construction of the Line 5 Project will have temporary impacts to access and resource quality of hunting, fishing and gathering areas of indigenous communities within ceded territory, §§ 6.17.3.1-6.17.3.4;
- Cultural Resources have been surveyed and construction or other mitigation techniques have been recommended, § 6.18;
- The Bad River Tribe opposes all route alternatives based on cultural resource impacts, § 6.18.3; and
- Permanent and temporary easements are required on public lands; Enbridge has secured a voluntary agreement from Iron County for the preferred route; and no Land and Water Conservation Fund or North American Wetlands Act obligations exist on the public lands along the proposed or alternative routes, § 6.21.

Again, thank you for the opportunity to comment on the DEIS for the Line 5 Project.

Sincerely,

*/s/ Robb Kahl*

Robb Kahl  
Executive Director