



August 30, 2024

U.S. Army Corps of Engineers St. Paul District  
Regulatory Division  
332 Minnesota Street  
Suite E1500  
St. Paul, MN 55101-1678

Re: Draft Combined Decision Document for the Enbridge Line 5 Wisconsin Segment

The Wisconsin Wetlands Association (WWA) appreciates the opportunity to provide comments on the United States Army Corps of Engineers (USACE) Combined Decision Document (CDD) related to federal permits authorizing the re-route of Line 5, transporting crude oil and natural gas through northern Wisconsin.

The purpose of this letter is threefold:

1. To submit into the record our concerns about the adequacy of the environmental review and the proposed permit conditions for this project;
2. To assert that additional analysis is needed in order to render a valid final determination;
3. To recommend the USACE make necessary revisions and issue a revised CDD for additional public review and comment.

WWA's concerns and recommendations are grounded in our experience working in this region. Since 2016 WWA has been working in the Marengo River Watershed (which is among those planned to be traversed by the new Line 5) to identify and evaluate erosion features upstream of road-stream crossings that are vulnerable to flood damage.

The area is characterized by steep topography and highly erodible sand soils along what's known as the transition zone. This unstable landscape is being subject to intense rainfall events, including two 500-year storms in 2016 and 2018 that resulted in tens of millions of damages to roads and bridges. Erosion induced drainage of upper watershed wetlands and headwater streams contributed significantly to these risks.

The Line 5 Re-route introduces a multitude of landscape alterations, which will introduce new erosion hazards and amplify existing ones especially at waterbody crossings. Understanding and evaluating the intersection between the proposed pipeline and areas of degraded hydrology is paramount to any analysis of likely direct, indirect, secondary, and cumulative impacts.

214 N. Hamilton St. #201, Madison, WI 53703 | (608) 250-9971 | [www.wisconsinwetlands.org](http://www.wisconsinwetlands.org)

*Helping people care for wetlands*

Yet it does not appear that any such analyses are included in the CDD. Therefore, it is impossible to draw a definitive conclusion on matters related to environmental impacts and how the project may exacerbate already serious flood-related public health and safety risks within the project area. Because this document has not referenced and considered these analyses, this decision document is inadequate.

As described, this is a landscape that is actively unraveling, where runoff events are already causing significant hazards, hardship, and economic consequences. In the Wisconsin Department of Natural Resources Draft Environmental Impact Statement, the section describing River and Stream Erosion (Section 5.10.4) characterizes many fluvial erosion hazards at play in this area. Though there have been no storm-related ruptures yet, pipelines have been exposed, heightening concerns. The CDD needs to provide a clear-eyed view on the risks of placing additional pipelines in this unstable landscape.

Through the FEMA and NOAA funded projects listed below, there's a substantial amount of data and decision-support tools that should be used to document the relationship between degraded hydrology and erosion risks and predict future impacts. The following readily available data and decision-support tools should be used to help evaluate risks and likely impacts:

1. [Fluvial Erosion Hazard Rapid Geomorphic Assessment Data from the Marengo Watershed, Ashland County, Wisconsin](#), Published August 4, 2022. This project, funded by a FEMA Pre-Disaster Mitigation Advanced Assistance Grant, characterized fluvial erosion hazards and established a screening tool to evaluate the vulnerability of stream networks in the Marengo River Watershed and prioritize restoration opportunities. This data concluded that in the Marengo River Watershed, 52% of the tributary network is vulnerable to future flood damages caused by erosion hazards and degraded hydrology, including areas traversed by this proposed project.
2. [Assessing Flood Vulnerabilities & Nature-Based Solutions: Marengo Watershed, WI](#). This NOAA Great Lakes Restoration Initiative- and FEMA-funded project examined a range of models, functional assessments, and vulnerability assessments to improve the evaluation of current and future conditions in the Marengo watershed. The project culminated in an interactive ArcGIS site that helps evaluate and understand the watershed and its vulnerabilities to runoff events.

*\* If you have questions about how to access or utilize this information, please contact the Wisconsin Wetlands Association directly at [policy@wisconsinwetlands.org](mailto:policy@wisconsinwetlands.org).*

These resources are already being used to help identify and prioritize restoration sites focused on reducing flood risks and damages, improving water quality, and reestablishing healthy aquatic resources. They should also be utilized in the development of plans related to the avoidance, minimization, monitoring, and mitigation of project impacts. Specifically, we recommend attention to the following:

1. Utilizing best available data (mentioned above) and community input to inform any decisions about impacts that come from the CDD.
2. Requiring hydrologic restoration that aspires to something better than “pre-existing conditions,” because we know current conditions in this location are degraded and dangerous. Even if this isn’t a typical requirement, there are implications for project stability and longevity that suggest this is not only the right approach, but also a wise one.
3. Monitoring of post-construction sites should include independent hydrologic experts that bring the specific knowledge that comes from field experience working in this region. Further, the monitoring plan describes that inspectors will observe impacted wetlands and waterbodies the year after construction and during years 2-6 following construction. Erosion is not a temporary problem, but rather a persistent problem in this landscape. The Line 5 Re-route needs to actively monitor and measure erosion happening at and in connection to these crossings beyond a temporary basis.

Projects proposing hydrologic alterations on the scale such as this project need to be well grounded in the data and unique characteristics of this region. There is a lot at stake.

Beyond concerns about upper watershed impacts, the 16,000-acre Kakagon - Bad River Sloughs estuary at the mouth of the Bad River is an irreplaceable treasure<sup>1</sup> - prized ecologically, culturally, traditionally, and for sustenance by the Bad River Band of the Lake Superior Chippewa. The sloughs offer vital habitat for fish and wildlife while harboring the largest natural wild rice bed on the Great Lakes. The sloughs also moderate and filter flows into Lake Superior and buffer the land from coastal impacts.

The CDD concluded low risk from sediment release due (exclusively) to the construction activities associated with Line 5. Isolating Line 5 construction activities fails to consider that it is the combination of many alterations in the upper watershed that cumulatively put the lower watershed and Bad River Sloughs in peril. This new alteration would cross 534 wetlands and 183 waterways, many of which eventually drain to the Kakagon Sloughs and Lake Superior. The sloughs already receive sediment that originates from the upper watershed, and the pipeline construction will only make that situation worse. Moreover, considerations for how a pipeline rupture would affect the sloughs was omitted as another agency’s purview. That information should be included as an addendum to the CDD, not left out. In previous comments, WWA requested a more thorough analysis of expected and potential impacts to the sloughs, but the descriptions in the CDD are insufficient.

---

<sup>1</sup> The Bad River Sloughs are distinguished as: the largest and highest quality coastal wetlands in the Great Lakes, a Ramsar Wetland of International Importance, a Wisconsin Wetlands Association Wetland Gem®, a National Park Service National Natural Landmark, a Nature Conservancy Priority Conservation Area, a Wisconsin Land Legacy Place, a Wisconsin Bird Conservation Initiative Important Bird Area, and a Wisconsin Coastal Wetland Primary Inventory Site.

On April 14, 2022, we submitted comments to the Wisconsin Department of Natural Resources in response to their draft Environmental Impact Statement. Because many of these concerns remain unaddressed in the CDD, we are also attaching those comments.

An adequate decision evaluating risks and likely impacts cannot be made without consulting the newly available data and decision support tools mentioned in this letter. Due to these concerns and absent this additional analysis, the CDD does not meet the standards prescribed under the National Environmental Policy Act or review under Section 404(b) of the Clean Water Act.

Sincerely,

*Jennifer Hauser*

Jennifer Western Hauser, Policy Liaison  
Wisconsin Wetlands Association