



Wisconsin

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Wisconsin Department of Natural Resources
Line 5 EIS Comments (EA/7)
101 S. Webster St.
Madison, WI 53707
Transmitted electronically to:
dnroeeacomments@wi.gov

Dear DNR:

The ACLU of Wisconsin is a statewide organization that has long been concerned with, and involved in, seeking racial and environmental justice for Wisconsin residents statewide. We submit these comments regarding the Draft Environmental Impact Statement (DEIS) on Enbridge's proposed relocation of its Line 5 petroleum pipeline.

Line 5 runs through northern Wisconsin, bisecting the Bad River Reservation of the Lake Superior Chippewa. In 2017, the Bad River Band chose not to renew the pipeline's easements, citing the increased risk of an oil spill and the severe environmental pollution that would occur as a result. Enbridge is now seeking state approval of an alternative route.

The Bad River watershed is crisscrossed with rivers and streams flowing north from the Penokee Range to Lake Superior. Line 5 currently crosses the Bad River Reservation, and pipes there have been exposed by weather and erosion, creating a potential disaster. The proposed course skirts the edge of the Bad River Reservation and still will be within the Bad River watershed, which means that any rupture would contaminate the reservation.

In fact, the proposed Line 5 extension is *even more* of a threat to the Bad River than the current route. A pipeline spill would devastate the watershed and pollute the Bad River and its myriad of rich wetlands, killing fish, waterfowl, and wild rice beds. The resulting contamination would make the Bad River tribal members' way of life impossible.

DNR knows—or should know—this. As the DEIS clarifies, 1.6.3.3, “[t]he proposed Line 5 reroute would cross Iron County Forest lands close to the Reservation. These large contiguous tracts of publicly accessible lands are important for the exercise of treaty guaranteed usufructuary rights.” In meeting with tribal representatives, 8.5.3 “[p]articipants emphasized that the threat of a Line 5 spill and its potential effects on water and other natural/ cultural resources is not limited to the Bad River Reservation, but

represents a threat to the Red Cliff Reservation, Lake Superior and the Apostle Islands, as well as natural, cultural and treaty resources throughout the Ceded Territories.”

Thus, the health and prosperity of tribal members, and the wildlife and wetlands upon which they and others depend, are at risk as long as Line 5 is allowed to continue its operation in the area. Further, every year the world suffers increased harm from climate chaos: floods, droughts, heatwaves, wildfires, new diseases, extreme weather events, etc. It is also clear that environmental justice communities are far more burdened by climate change and its accompanying disasters than other communities.¹ Every level of government must think of new ways to protect us. Yet inexplicably, 8.5.4 “[t]he topic of the potential effects of decommissioning the portion of the existing Line 5 running through the Bad River Reservation was raised but was not discussed” with the tribes. It is long past time to do so – and for DNR to broaden its focus and stop approving new fossil fuel infrastructure projects and start decommissioning existing ones, especially when those projects burden environmental justice communities. The Line 5 extension certainly does.

Sincerely,

*Electronically signed by
Dr. Melinda Q. Brennan*

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¹ See e.g. <https://www.epa.gov/newsreleases/epa-report-shows-disproportionate-impacts-climate-change-socially-vulnerable>.