

President Joseph R. Biden
White House
1600 Pennsylvania Avenue, N.W.
Washington, DC 20500

The Honorable Michael L. Connor
Assistant Secretary of the Army for Public Works
United States Army Corps of Engineers
108 Army Pentagon
Washington, DC 20310-0108

RE: Enbridge Line 5 Wisconsin proposed reroute permit should be denied
(MVP-2020-00260-WMS)

Dear President Biden and Assistant Secretary Connor,

On behalf of our millions of members and supporters, we write to comment on the Army Corps of Engineers' [Draft Combined Decision Document, which includes its draft Environmental Assessment \(EA\) for Enbridge's Line 5 pipeline in northern Wisconsin](#). Line 5 poses catastrophic risks to the Treaty protected lands, pristine natural areas, valuable freshwater sources (including 400 rivers, streams, and wetlands), and farmland that it cuts through. The pipeline – which is decades past its lifespan – is currently pumping 23 million gallons of crude oil and natural gas liquids daily, illegally in trespass. Despite the Bad River Band's [direction](#) that Enbridge remove Line 5 from their reservation and the Bad River Watershed, Enbridge has moved forward with an invasive reroute project just outside of the reservation's borders. This expansion is within ceded territory and remains within the watershed, putting at risk the irreplaceable ecosystem that so much life depends on.

The draft EA is inadequate, and with the significant risks associated with this deteriorating pipeline, we urge the Army Corps to conduct a full Environmental Impact Statement (EIS) for the reroute. Ultimately, the Army Corps should reject this permit and Line 5 must be shut down.

For as long as we have been working to mitigate the risks of oil pipelines, the Army Corps has regularly refused to conduct robust environmental review for oil pipelines, erroneously taking the position that they are not required to look beyond a narrow scope of specific water crossings. The Army Corps has failed to fully determine and evaluate the impacts that the rerouted pipeline would have on the dozens of rivers, streams, and wetlands that the Bad River Band and surrounding community rely on. Building the pipeline through these waterways would require the permanent clearing of over 30 acres of high-quality forested wetlands habitat, would degrade water quality, and would pose a risk of catastrophic oil spills for decades to come.

The Army Corps has failed to acknowledge the scenario in which the aging Line 5 pipeline would be shut down after more than 70 years of operation. In fact, in addition to Governor Whitmer ordering the pipeline to be removed from the Straits of Mackinac in Michigan, a federal judge in Wisconsin held that Enbridge has been trespassing and continues to trespass across the Bad River Reservation and ordered that section of Line 5 to be removed by June 2026. Line 5's days are numbered; yet the Army Corps refuses to even consider its shutdown and decommissioning as an option in its alternatives analysis.

The scope of the Army Corps' EA is unduly narrow. Not only has the Army Corps so far refused to prepare an EIS and refused to evaluate the impacts of the overall pipeline, including climate impacts, it has refused to even evaluate the entire 40-mile reroute and instead looks only at the construction of the water crossings in isolation. Line 5 cannot continue operating without authorization from the Army Corps, and the Army Corps needs to analyze all the environmental impacts stemming from its decision. Under a proper scope of review, the impacts of the reroute are clearly significant and the preparation of an EIS is therefore required.

While unduly narrowing the scope of its environmental review to only the immediate impacts of construction, the Army Corps simultaneously takes Enbridge's word regarding the economic benefits of constructing the reroute, all of which are tied to the continued operation of the entire pipeline. There is no economic benefit to 40-miles of pipeline in northern Wisconsin without the rest of Line 5. The Army Corps needs to independently examine both the economic benefits and detriments under the same scope, including those adverse environmental impacts that can be quantified in a dollar figure (e.g., social cost of carbon).

The National Environmental Policy Act (NEPA) requires agencies to consider the "direct, indirect, and cumulative effects" of proposed federal infrastructure projects in agency decision making. This consideration is consistent with [Executive Order 14096 on Revitalizing our Nation's Commitment to Environmental Justice for All](#) that ensures federal agencies consider indirect, direct, and cumulative impacts in the permitting process. The Army Corps must include climate impacts, oil spills, and impacts on Tribes for the full route of Line 5 when reviewing this permit application.

In light of the inadequacies of the draft EA, we urge the Army Corps to correct course and require a robust EIS for the Line 5 Wisconsin reroute, and ultimately, deny the permit.

Sincerely,

Action for the Climate Emergency (ACE)
Alabama Interfaith Power & Light
Alaska Community Action on Toxics

Animals Are Sentient Beings, Inc
ARTivism Virginia
Beyond Extreme Energy
Bold Alliance
Breach Collective
California Communities Against Toxics
CASA
Center for Biological Diversity
Change Begins With ME (Indivisible)
Cherokee Concerned Citizens
Clean Water Action
Climate Hawks Vote
Color Brighton Green
Concerned Health Professionals of Pennsylvania.
CURE
Dayenu: A Jewish Call to Climate Action
DivestNJ
Don't Waste Arizona
Earth Ethics, Inc.
Earth Path Sanctuary
Endangered Species Coalition
Extinction Rebellion San Francisco Bay Area
Extinction Rebellion US
Family Farm Defenders
Food & Water Watch
For Love of Water (FLOW)
Fox Valley Citizens for Peace & Justice (Illinois)
FracTracker Alliance
Franciscan Sisters of Perpetual Adoration (FSPA)
Fridays For Future NYC
Fridays For Future USA
Friends of the Earth
Friends of the Headwaters
Great Lakes Business Network
GreenFaith
Greenfaith SoCO
Groundwork Center for Resilient Communities
Health Professionals for a Healthy Climate
Healthy Climate Wisconsin
Healthy Ocean Coalition

Honor the Earth
Indian Point Safe Energy Coalition
Indigenous Environmental Network
Interfaith Power & Light
International Marine Mammal Project of Earth Island Institute
Intheshadowofthewolf
League of Conservation Voters
Long Island Progressive Coalition
Michigan Citizens for Water Conservation
Michigan Clean Water Action
Michigan Climate Action Network
Michigan League of Conservation Voters
Milwaukee Riverkeeper
Minnesota Interfaith Power and Light
National Wildlife Federation
Natural Capitalism Solutions
NDN Collective
Nicaragua Center for community Action
NMEAC Northern Michigan Environmental Action Council
North American Climate, Conservation and Environment(NACCE)
Nuclear Energy Information Service (NEIS)
Nuclear Information and Resource Service
Oil & Water Don't Mix
Oil and Gas Action Network
Oil Change International
Our Revolution
Our Wisconsin Revolution
Patagonia
Physicians for Social Responsibility Pennsylvania
Port Arthur Community Action Network(PACAN)
Presente.org
Progress Michigan
Project Outreach: The Frac Sand Sentinel
Property Rights and Pipeline Center
Protect Our Water, Heritage, Rights (POWHR)
Rainforest Action Network
RapidShift
Resource Renewal Institute
Sierra Club
Sierra Club Canada

Society of Native Nations
Stand.earth
Sunflower Alliance
Terra Advocati
The Clean Air Coalition of Western New York
The People's Justice Council
Third Act Richmond
Turtle Island Restoration Network
Unitarian Universalists for a Just Economic Community
Unitarian Universalists for Social Justice
United For Clean Energy
Vessel Project of Louisiana
Veterans for Peace
Vote Climate
Waterkeeper Alliance
Waterspirit
White Rabbit Grove RDNA
Wisconsin Conservation Voters
Wisconsin Green Muslims
Women's Earth and Climate Action Network
Zero Hour
198 methods
350 Bay Area Action
350 Mass
350 Seattle
350 Silicon Valley
350 Wisconsin
7 Directions of Service