



US Army Corps
of Engineers®
St. Paul District

Applicant: Enbridge Energy
Refer To: MVP-2020-00260

Public Notice

ISSUED: 11 April 2025
EXPIRES: 13 June 2025

SECTION: 404 - Clean Water Act
401(a)(2) - Clean Water Act

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the United States Army Corps of Engineers, St. Paul District (Corps), will conduct a virtual public hearing on May 13-14, 2025. The Corps is conducting this public hearing in response to an objection received from the Bad River Band of Lake Superior Chippewa (BRB), under Section 401 (a)(2) of the Clean Water Act (CWA), for the application from Enbridge Energy to discharge dredged and/or fill material in waters of the U.S., including wetlands, for the Line 5 Wisconsin Segment Relocation Project (Project) and in response to a request from BRB that we conduct a public hearing.

BACKGROUND: The BRB is a federally recognized tribe and Sovereign Nation. The BRB is a "state" with neighboring jurisdiction pursuant to Section 401(a)(2) of the CWA. The BRB, under Section 401(a)(2) of the CWA, objected to the water quality certification issued by the Wisconsin Department of Natural Resources on November 14, 2024, for the Project. On February 11, 2025, the BRB notified the Environmental Protection Agency (EPA) and the Corps that it objects to the issuance of a Corps permit to authorize the proposed discharges of dredged and/or fill material in waters of the U.S., including wetlands, for the construction of the Project, that the discharges would violate BRB water quality requirements, and requested a public hearing on its objection. The Corps cannot finalize a permit decision until the 401(a)(2) process is concluded. Additional information about the Project may be accessed here:

https://www.mvp.usace.army.mil/Enbridge_Line5-WI/.

We are following procedures for this public hearing as specified in 40 CFR 121.15, 33 CFR 325.2(b)(1), and 33 CFR 327. We are conducting this public hearing for the purpose of collecting information or evidence specifically related to whether the proposed discharges would or would not violate BRB water quality requirements and if conditions are available and necessary to ensure compliance. On May 13th, evaluations and recommendations will be heard from the EPA, followed by Enbridge Energy, and ending with the BRB. On May 14th, the BRB will conclude their evaluations and recommendations from 10 a.m. - 12 p.m. and public verbal statements will be received from registered speakers from 1 p.m. - 7 p.m. (See PUBLIC INVOLVEMENT below for information on registering). Instructions on how to access the virtual hearing will be posted at https://www.mvp.usace.army.mil/Enbridge_Line5-WI/ at least one week prior to the hearing. Consistent with 33 CFR Part 327, cross-examination of any witness will not be permitted. Written evaluations, recommendations, rebuttals, and/or other evidence may be submitted by 11:59 p.m. June 13, 2025 (see WRITTEN STATEMENTS below for additional information). The Corps will give all written comments the same consideration as verbal comments.

PURPOSE: The purpose of the public hearing is to acquire information to support decision making pursuant to Section 401(a)(2) of the CWA. Specifically, the Corps is seeking information relevant to whether the proposed discharges of dredged and/or fill material in waters of the U.S., including wetlands, associated with the construction of the Project would or would not violate the BRB's water quality requirements. Further, the Corps is seeking information on whether there are conditions that could be added to a potential permit to ensure compliance with applicable water quality requirements of the BRB. The Corps will consider all relevant information presented at the public hearing and submitted written statements to inform our final permit decision.

GROUND RULES: The Corps' acting Commander will serve as the presiding officer and will offer opening and closing remarks each day, to include an overview of the expectation that participants will follow the agenda (See Attachment 1), with no cross-examination of witnesses (reference 33 CFR 327.8(d)).

All verbal and written statements should focus on whether the proposed discharges of dredged and/or fill material in waters of the U.S., including wetlands, would or would not violate the BRB's water quality requirements and whether conditions could be added to a potential permit to ensure compliance. Statements expressing support or opposition to the Project or addressing any topic other than BRB water quality requirements are not germane to the purpose of the hearing and the necessary decision pursuant to Section 401(a)(2) of the CWA.

PUBLIC INVOLVEMENT: All interested parties are welcome to listen to the virtual hearing sessions from 8 a.m. - 5 p.m. CST on May 13th and 10 a.m. - 7 p.m. CST on May 14th. Verbal statements from members of the public may be provided at the May 14th virtual hearing session between 1 p.m. - 7 p.m. CST. Instructions on how to access the virtual hearing, as well information on how to register to provide verbal testimony on May 14th, will be posted at https://www.mvp.usace.army.mil/Enbridge_Line5-WI/ at least one week prior to the hearing. Please note, there may not be sufficient time to hear verbal statements from all registered parties. Written evaluations, recommendations, and/or other evidence regarding compliance with BRB water quality requirements will be accepted in writing through June 13, 2025. The entirety of the hearing will be recorded and a link to the recordings will be provided at https://www.mvp.usace.army.mil/Enbridge_Line5-WI/ within 7 days of the hearing's close.

Each registered individual providing verbal statements will be given three minutes. If you are part of a group or organization, please consider consolidating the verbal statements for a representative spokesperson to afford the greatest opportunity for presentation of substantive facts and to reduce duplication or views that express statements of support or opposition without presentation of facts related to BRB water quality requirements. All proceedings from the public hearing will be recorded and transcribed for the official record. Please note that all verbal statements will be transcribed and will become part of our administrative record and may be available to the public under provisions of the Freedom of Information Act.

WRITTEN STATEMENTS: Written recommendations, evaluations, rebuttals, and/or other evidence related to effects of the proposed discharges on BRB water quality requirements can be electronically submitted at the following link <https://rrs.usace.army.mil/rrs/public-notices> (St. Paul District file number MVP-2020-00260) or mailed, with a postmark date no later than June 13, 2025, to the following address:

U.S. Army Corps of Engineers
St Paul District, Regulatory Division
332 Minnesota Street, Suite E1500
St. Paul, MN 55101-1323

Be advised that all written recommendations, evaluations, rebuttals, and/or other evidence received in our administrative record on this action may be available to the public under provisions of the Freedom of Information Act.

ATTACHMENT 1

Corps of Engineers St Paul District Clean Water Act 401(a)(2) Public Hearing
Bad River Band of Lake Superior Chippewa (BRB) objection to Section 404 Clean Water Act permit
for the Enbridge Line 5 Wisconsin Segment Relocation Project and the Band's determination the
Project will affect its downstream waters.

May 13-14, 2025 (note all times are in CST and subject to adjustment)

May 13, 2025:

8:00 - 8:15 Presiding officer provides welcome and opens hearing
8:15 - 9:15 EPA provides overview of its evaluation and recommendations
9:15 - 11:15 Enbridge provides opinions and recommendations
11:15 - 12:00 BRB views, opinions, and recommendations begins
12:00 - 1:00 Recess/Lunch
1:00 - 5:00 BRB views, opinions, recommendations, and rebuttals continued
5:00 - 5:05 Presiding officer provides closing remarks and adjourns hearing

May 14, 2025:

10:00 - 10:05 Presiding officer provides welcome and opens hearing
10:05 - 12:00 BRB views, opinions, recommendations, and rebuttals continued
12:00 - 1:00 Recess/Lunch
1:00 - 7:00 Public Verbal Statements
7:00 - 7:05 Presiding officer offers closing remarks and adjourns hearing

(Note: the Presiding Officer may announce 15-minute recesses as needed)