



US Army Corps
of Engineers®
St. Paul District

Public Notice

ISSUED: 2 May 2024

Authorities:
Section 404 Clean Water Act and
Section 10 Rivers and Harbors Act

NOTICE OF PUBLIC HEARING

NOTICE OF PUBLIC HEARING FOR THE ENBRIDGE LINE 5 WISCONSIN SEGMENT RELOCATION PROJECT DEPARTMENT OF THE ARMY PERMIT APPLICATION

Notice:

The United States Army Corps of Engineers, St Paul District Regulatory Division (Corps) is evaluating an application from Enbridge Energy, Limited Partnership (Enbridge) to discharge dredged and fill material in waters of the U.S. and install pipeline under a navigable water of the U.S, associated with the construction of the proposed Line 5 Wisconsin segment relocation project. The Corps will conduct a public hearing on June 4th, 2024. The public hearing will be held at the Northwood Technical College, located at 2100 Beaser Avenue, Ashland, WI 54806 from 11 a.m. - 3 p.m. and 4 p.m. - 8 p.m. CST.

The Corps is evaluating Enbridge's permit application pursuant to the Corps' statutory authorities, which include:

Section 404 of the Clean Water Act – for the proposed trenching and backfilling of pipeline and associated infrastructure that would result in discharges of dredged and fill material in waters of the U.S., including wetlands.

Section 10 of the Rivers and Harbors Act of 1899 – for the proposed horizontal directional drilling and installation of pipeline under the White River, a navigable water of the U.S.

The Corps will publish a Draft Environmental Assessment, Draft Section 404(b)(1) Guidelines Evaluation, and Draft Public Interest Review, hereafter referred to as the Draft Combined Decision Document (DCDD), for a minimum of a 45-day public comment period at least 15-days in advance of the public hearing. A separate notice will be provided when the DCDD is available for public review.

The purpose of the public hearing is to solicit information to support a comprehensive, objective, and balanced decision on the permit application pursuant to the Corps' statutory authorities. The Corps does not have authority over the overall construction or operation of pipelines, the siting of any type of pipeline, or any substance being transported within a pipeline.

Background:

The existing Enbridge Line 5 pipeline is a 645 mile long, 30-inch diameter crude oil/natural gas liquid pipeline that has been operational since 1953. It originates at Enbridge's Superior Terminal in Superior, Wisconsin, continues through northern Wisconsin and the Upper and

Lower Peninsulas of Michigan, and terminates near Sarnia, Canada. In Wisconsin, the existing Line 5 pipeline crosses Douglas, Bayfield, Ashland and Iron counties. Within Ashland County, the existing Line 5 pipeline crosses through 12 miles of the Bad River Reservation. In 2019, the Bad River Band of the Lake Superior Tribe of Chippewa Indians filed a federal lawsuit to require Enbridge to remove the 12 miles of pipeline from their reservation.

Enbridge developed the proposed Line 5 Wisconsin segment relocation project to reroute the existing Line 5 pipeline around the external boundaries of the Bad River Reservation while still maintaining current deliveries of oil and natural gas liquids. The proposed project would replace approximately 20 miles of the existing Line 5 pipeline, including approximately 12 miles of pipeline within the Bad River Reservation, with 41 miles of a new 30-inch diameter pipeline segment that would be located entirely outside the boundaries of the Bad River Reservation. Enbridge proposes to cease pipeline operation within the Reservation once the proposed Line 5 Wisconsin segment pipe is in service.

Submitting Comments:

The Corps invites comments to provide information to support decision-making and specifically, if appropriate, any recommended measures that may result in less environmental damages or adverse effects on the human environment.

Verbal statements will be received during the public hearing. Please note, due to time limitations, all individuals wishing to provide public verbal statements during the hearing may not be allocated time.

Written comments may be submitted at any time to CEMVP-WIL5R-CDD-Comments@usace.army.mil before the expiration date of the DCDD comment period, which will be 31 days after the June 4, 2024 public hearing (July 5, 2024). Additionally, written comments may be submitted in person during the public hearing. We will include all written comments we receive in our administrative record on this action. Please note that all verbal and written comments, including names and addresses, become part of the administrative record, and may be available to the public under provisions of the Freedom of Information Act. If you are unable to submit comments via email, you may send your written comments with a postmarked date no later than July 5, 2024, to the following address:

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

If you have any questions concerning this Public Notice, please email the address shown above, or contact the Corps by phone at 1-651-290-5525. Please note that comments will not be accepted via phone or voicemail.

Ground Rules for the Public Hearing:

The presiding officer will offer opening and closing remarks for each session, to include an overview of the expectation that participants will follow the agenda, with no cross-examination of witnesses (reference 33 CFR 327.8(d)).

We invite interested parties, including elected tribal, federal and state officials, non-governmental

and other organizations, and private citizens, to review the DCDD during its period of availability ahead of the hearing. We will afford the opportunity for interested parties to provide comment based on a randomized lottery of presenters who register on location. There will be two four-hour sessions of the public hearing, the first from 11 a.m. - 3 p.m. and the second from 4 - 8 p.m. with breaks on the hour. Registration will be from 10 -10:45 a.m. for the first session and 3 - 3:45 p.m. for the second session. Please note that there may not be enough time for everyone who registers to speak. Registered individuals will be assigned a number that will be entered into a random lottery system to determine the sequence to hear speakers. Registered speakers who are not allotted time for verbal statements may submit written comments during the hearing or by email at CEMVP-WiL5R-CDD-Comments@usace.army.mil for inclusion in the formal record. Written comments on the permit application or the Corps' DCDD will be accepted through July 5, 2024.

Each individual speaker will be given three minutes, to allow as many speakers as possible the opportunity to provide statements for the Corps record. There will be no yielding of time to another speaker. Following the end of an individual's statement, or after three minutes, the next randomly selected speaker will be heard. Statements should focus on information to support decision-making on the Department of the Army (Corps) permit application. Statements expressing either support for or opposition to the proposed project will not be informative to the Corps' decision. The Corps permit decision will be based on substantive evidence related to the Corps' statutory authorities. If individuals are part of a group with common interests and views related to this action, please consider consolidating comments for presentation by a representative spokesperson to reduce duplicative views and to allow for as many speakers as possible. All proceedings from the public hearing will be recorded and transcribed by a third-party court reporter for the official administrative record. Please note that all verbal and written comments, including names and addresses, become part of the administrative record, and may be available to the public under provisions of the Freedom of Information Act.

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