



December 5, 2025

Katie L. Otanez

Regulatory Project Manager, Regulatory Office

U.S. Army Corps of Engineers, Detroit District

477 Michigan Avenue

Detroit, MI 48226-2550

line_5_lre@usace.army.mil

Submitted via email and the online portal

**Re: Flow Water Advocates, Sierra Club, and Surfrider Foundation's Comments on
Line 5 Tunnel Project Supplemental Draft EIS on the HDD Installation Alternative,
LRE-2010-00463-56-A19**

Dear Ms. Otanez,

Flow Water Advocates ("Flow"), the Sierra Club, and the Surfrider Foundation ("Surfrider") (together the "Water Coalition") submit these comments on the supplemental draft environmental impact statement ("Supplemental DEIS") for the Horizontal Directional Drilling Installation Alternative ("HDD Installation Alternative") to the Enbridge Line 5 tunnel project ("Tunnel Project") issued by the US Army Corps of Engineers (the "Corps") on November 13, 2025.

The Supplemental DEIS fails to meaningfully assess the viability of the HDD Installation Alternative and its associated risks, compounding the fatal deficiencies of the May 2025 DEIS. Now that the Corps considers HDD a feasible alternative, it must provide sufficient information to allow the public and decisionmakers to compare the alternatives. It has failed to do so, and therefore the Supplemental DEIS is legally deficient and must be corrected before being incorporated into a final EIS. However, based even on the limited information provided in the DEIS and the Supplemental DEIS, it is clear the proposal is not in the public interest and must be denied.

Project Overview Triggering a Supplemental EIS

The proposed Tunnel Project, the Applicant's Preferred Alternative, consists of the construction of a 3.6-mile, 21-foot interior diameter tunnel under the lakebed of the Straits of Mackinac ("the Straits"), which would house a replacement segment of the Applicant's Line 5 pipeline. The Line 5 Dual Pipeline segment currently consists of two 20-inch diameter pipes that are buried in sediment near shore and rest on, or are anchored to, the lakebed of the Straits.¹

The Tunnel Project proposal involves a federal action as it requires Department of the Army

¹ Enbridge Line 5 Tunnel Project, DEIS (May 2025), 1.1, p. 1-1.

(“DA”) authorization for work and placement of a structure that may affect navigable waters of the United States, pursuant to Section 10 of the Rivers and Harbors Act (“RHA”), and for discharges of dredged or fill material into waters of the United States pursuant to Section 404 of the Clean Water Act (“CWA”). The Corps determined that the proposed Project could significantly affect the quality of the human environment, and that the DA permit decision is therefore a major federal action requiring preparation of an Environmental Impact Statement (“EIS”), pursuant to the National Environmental Policy Act, 42 USCS §§ 4321 *et seq.* (“NEPA”).²

The Supplemental DEIS evaluates an alternative to the proposed Tunnel Project, involving installation of a replacement pipeline segment under the bed of the Straits of Mackinac by horizontal directional drilling (HDD), referred to as the HDD Installation Alternative. As stated in the Supplemental DEIS, “an HDD Installation Alternative was considered in the May 2025 Draft EIS but was not carried forward for detailed analysis in the EIS based on a 2018 report, Alternatives for Replacing Enbridge’s Dual Line 5 Pipelines Crossing the Straits of Mackinac (Enbridge 2018), which concluded that an HDD Installation Alternative was not technically feasible due to the length of the replacement pipeline, length of the drill required, and the hard characteristics of the subsurface rock.”³

According to the Supplemental DEIS, the Applicant subsequently submitted “information indicating that the HDD Installation Alternative, using the intercept method . . . is now technically feasible due to advances in technology” and the Corps determined that the HDD Installation Alternative met the screening criteria and should be subject to “detailed analysis in the EIS.”⁴

The HDD Alternative requires an approximately 4-mile-long and 80-foot-wide pipeline assembly area (and associated timber storage areas) that could be sited either south or north of the Straits, and therefore the Supplemental DEIS analyzes two sub-alternatives that consider the potential impacts of siting this pipeline assembly area on either side of the Straits.⁵ HDD would be used to create a borehole and install the assembled 30-inch diameter replacement pipeline segment⁶ “several hundred feet below the depth of lakebed” of the Straits.⁷

Introduction to the Water Coalition

Founded in 2011, Flow Water Advocates is a not-for-profit organization incorporated in the State of Michigan with offices in Traverse City. Flow’s mission, grounded in the public trust doctrine, is to ensure the waters of the Great Lakes Basin are healthy, public, and protected for all. Flow advances this mission through strategic legal action, policy advocacy, and public outreach centered on strengthening and protecting the public trust doctrine and state and federal environmental laws

² *Id.*

³ *Line 5 Tunnel Project Supplemental Draft Environmental Impact Statement—Horizontal Directional Drill Installation Alternative* (Nov. 2025), 1.2, p. 1-1.

⁴ *Id.*

⁵ *Line 5 Tunnel Project Supplemental Draft Environmental Impact Statement—Horizontal Directional Drill Installation Alternative* (Nov. 2025), Appendix F, F1.5.1, p. F-3, F-4, note 1.

⁶ *Id.*

⁷ *Line 5 Tunnel Project Supplemental Draft Environmental Impact Statement—Horizontal Directional Drill Installation Alternative* (Nov. 2025), 4.14.2.2, p. 4-87.

and regulations, and ensuring these legal frameworks are applied to steward our shared waters and natural resources for the benefit of current and future generations.

The Sierra Club is the nation's oldest grassroots environmental organization. Sierra Club promotes the responsible use of the Earth's ecosystem and resources and works to restore the quality of the natural and human environment. In addition to organizing nature outings and public education campaigns, Sierra Club and its members pursue advocacy and litigation on issues including clean air, clean water, and sustainable land use policies. Sierra Club also has a Beyond Dirty Fuels Campaign, which, *inter alia*, seeks to halt or minimize the adverse impacts of fossil fuel development, including transportation and pipelines, on the climate, communities, waters, wetlands and the environment. The Sierra Club has chapters in Michigan and Wisconsin with thousands of members who are dedicated to exploring, enjoying, and protecting the areas that would be impacted by Line 5 and the proposed tunnel, and members who live, work, and recreate in these areas, and file these comments accordingly.

Surfrider is a nonprofit organization dedicated to the protection and enjoyment of the world's ocean, waves, and beaches, for all people through a powerful activist network. Surfrider has several Great Lakes Chapters, including a chapter in Northern Michigan.

Discussion

A NEPA-compliant review of Enbridge's Great Lakes Tunnel and alternatives, including the HDD Installation Alternative, is of immense public importance. The Corps has not lived up to its obligation to conduct a proper "public interest review" that ensures the protection and utilization of these important resources.⁸ In this case, the resources that stand to be most impacted are the state owned bottomlands and waters of the Great Lakes Basin.⁹ And the locus of potential impact is the Straits of Mackinac, "the worst possible place for an oil spill in the Great Lakes," according to scientific experts at the University of Michigan.¹⁰ Balanced against these significant threats, the rubber stamping of the dangerous and ill-conceived Tunnel Project simply cannot be justified, especially when the Region's energy needs can be met through alternative means that avoid pumping oil through the heart of the Great Lakes.

The protection of the Great Lakes, the largest surface freshwater system in the world, is an economic, environmental, and national security imperative. The Great Lakes contain 84% of North America's fresh surface water and are the cultural backbone for eight US states, the Canadian province of Ontario, and multiple US tribal nations and Canadian First Nations. With trends of increasing water scarcity worldwide, the importance of effective stewardship of these public trust

⁸ USACE Purpose and Scope, 33 C.F.R. § 320.1(a)(1) ("involving the consideration of the full public interest by balancing the favorable impacts against the detrimental impacts").

⁹ *Great Lakes Facts and Figures*, EPA, (last updated March 17, 2025), <https://www.epa.gov/greatlakes/great-lakes-facts-and-figures>.

¹⁰ Morgan Sherburne, *Straits of Mackinac 'worst possible place' for a Great Lakes oil spill, U-M researcher concludes*, Michigan News: University of Michigan (July 10, 2014), <https://news.umich.edu/straits-of-mackinac-worst-possible-place-for-a-great-lakes-oil-spill-u-m-researcher-concludes/> (quoting Dr. David J. Schwab, discussing his research report, *Straits of Mackinac Contaminant Release Scenarios: Flow Visualization and Tracer Simulations*, University of Michigan Water Center (Spring 2014)).

resources, for both the benefit of current and future generations, cannot be overstated.

As Section 1.4.1 of the DEIS highlights, the “[t]wo major purposes of the NEPA process are better-informed decisions and public involvement.”¹¹ The Corps’ DEIS and Supplemental DEIS fail to achieve either of these joint purposes.

By unjustifiably and unlawfully expediting the review process, during both the comment periods for the DEIS and Supplemental DEIS, the Corps has failed to support meaningful public involvement in this process. And, in drafting both the Line 5 Tunnel Project DEIS and the Supplemental DEIS on the HDD Installation Alternative, the Corps has failed to require the Applicant to submit the scope and depth of information necessary for the agency to take a “hard look” and make an informed decision on the Tunnel Project and its potential impacts under NEPA.

As a result, the Corps has fatally and unlawfully undermined the EIS process in at least the following ways:¹²

- 1) The Corps’ unjustified expedition of the review process for both the DEIS and the Supplemental DEIS, unlawfully undermines public participation in the EIS process.
- 2) The Draft Environmental Impact Statement is fatally flawed for all the reasons outlined in the Water Coalition’s June 2025 comments,¹³ and the Supplemental EIS does not cure its deficiencies but rather perpetuates them.
- 3) The Supplemental DEIS acknowledges several gaps in information necessary to assess the HDD Installation Alternative and is therefore yet another deficient piece of the DEIS that fails to provide the Corps and the public the information necessary to properly assess the proposal and the available alternatives.

These deficiencies are addressed in turn below.

I. The Shortened Public Comment Period Has Frustrated Public Participation in the Supplemental DEIS Review

The public comment period, spanning just over three weeks and bookending a holiday weekend, fails to provide adequate notice to the public and a fair opportunity to properly engage in this vitally important process. The Supplemental DEIS and Appendix F together are 180 pages and include the discussion of dense and highly technical information about a mega infrastructure project with the potential for catastrophic impacts to invaluable freshwater resources.

¹¹ *Enbridge Line 5 Tunnel Project, DEIS* (May 2025) 1.4.1, p. 1-3.

¹² Given the expedited public comment period, the Water Coalition was unable to address all Supplemental DEIS’ deficiencies. We therefore focus on the lack of fundamental information necessary for the Corps to conduct a proper technical analysis as it is required.

¹³ The Water Coalition’s June 30, 2025 comments are part of the public record and are also accessible here: https://forloveofwater-wp-uploads.s3.us-east-2.amazonaws.com/wp-content/uploads/2016/04/DEIS-Comments_Flow_Sierra-Club_Surfrider.pdf. Flow also submitted October 14, 2022 scoping comments on the Corps’ notice of intent to prepare a DEIS for the proposed Tunnel Project, which are also part of the public record and are accessible here: <https://forloveofwater-wp-uploads.s3.us-east-2.amazonaws.com/wp-content/uploads/2022/10/FLOW-EIS-Scoping-Comments-to-US-Army-Corps-10-14-2022.pdf>.

As outlined in the Water Coalition’s comments on the May 2025 DEIS, the Corps’ reliance on Executive Order 14156 in support of its determination that an “emergency situation” exists sufficient to justify shortening the relevant public comment periods is unjustified and unlawful.¹⁴

II. The Draft Environmental Impact Statement is itself deficient, and these deficiencies are not supplemented, but rather, perpetuated with the addition of the Supplemental DEIS on the HDD Installation Alternative

The May 2025 DEIS provides insufficient information for a proper analysis of the viability and attendant risks of the Tunnel Proposal.¹⁵ The same is true of the Corp’s assessment of the HDD Installation Alternative in the Supplemental DEIS. The result is effectively to compare two facially incomplete and inadequate proposals, neither of which has information sufficient for a proper assessment—and neither of which can overcome the requirement that the Corps consider alternatives that would avoid impacts to the wetlands and Straits as mandated under its Clean Water Act Section 404(b)(1) Guidelines.¹⁶ The Corps must ensure that it upholds its duty to the public in requiring the information necessary to understand and properly consider the alternatives before it. This information is not included in the DEIS or its supplement, and therefore the permit must be denied. The deficiencies in the May 2025 DEIS are detailed in the Water Coalition’s June 2025 comments, and the deficiencies in the Supplemental DEIS are detailed below.

III. The Supplemental DEIS Acknowledges Several Significant Gaps in Information that Make it Impossible to Competently Assess the Viability of the HDD Installation Alternative and its Potential Impacts to Shared Public Resources

In preparing an EIS, the Corps is required to “consider every significant aspect of the environmental impact of a proposed action.”¹⁷ This process is intended to avoid such impacts being “overlooked or underestimated only to be discovered after resources have been committed or the die otherwise cast.”¹⁸ The EIS must contain a detailed discussion and analysis of the “reasonably foreseeable environmental effects” of the proposed action and “a reasonable range of alternatives” to the action.¹⁹ The Clean Water Act and the National Historic Preservation Act likewise require a detailed analysis of the Project and available alternatives.²⁰ As detailed above, the Corps failed to comply with these requirements in its preparation of the May 2025 DEIS, and it has perpetuated that same failure in its preparation of the Supplemental DEIS.

A. There are several material gaps in the information considered in the Supplemental DEIS

The Supplemental DEIS acknowledges several instances of unknown conditions that make clear that

¹⁴ Flow Water Advocates, Sierra Club Environmental Law Program, and Surfrider Foundation’s Comments on Line 5 Tunnel DEIS (Water Coalition Comments), LRE-2010-00463-56-A19 (June 30, 2025) at 4; (*noting* that the Michigan Attorney General, and several other states, agree) (*citing* Complaint, *Washington v. Trump*, No. 25-cv-00869 (W.D. Wash. May 9, 2025), ECF No. 1)).

¹⁵ See the Water Coalition Comments, *supra* note 14.

¹⁶ See 33 U.S.C. § 1344(b); 40 C.F.R. §§ 230.10, 230.11.

¹⁷ *Vt. Yankee Nuclear Power Corp. v. Nat. Res. Def. Council, Inc.*, 435 U.S. 519, 553 (1978).

¹⁸ *Robertson v. Methow Valley Citizens Council*, 490 U.S. 332, 349 (1989)(citation omitted).

¹⁹ 42 U.S.C. § 4332(C).

²⁰ See, e.g., 40 C.F.R. § 230.10(a)(3); 36 C.F.R. § 800.6(a).

the document fails to provide the information necessary to seriously assess the proposal and its potential impacts to wetlands, the Straits, the surrounding waters, the host ecosystems, and their natural and cultural resources. The following subsections provide an overview of several examples of glaring omissions that render the alternative explored in the Supplemental DEIS substantially deficient and out of compliance with NEPA requirements.²¹

1. *There are material gaps in the information on impacts to Wetlands, Section 3.4.4.1*

This section of the Supplemental DEIS acknowledges that the “majority of the expected footprints under HDD Installation Sub-Alternatives 1 and 2 extend beyond wetland delineations conducted by the Applicant. The U.S. Fish and Wildlife Service’s (USFWS) National Wetland Inventory (NWI) was reviewed to identify the potential for wetlands to occur in areas outside the wetland delineation.”²² However, the NWI is not an acceptable substitute for a proper onsite delineation. As made explicit in the disclaimer on the NWI Wetlands Mapper, “[t]he Wetlands Mapper data should not be interpreted as representing the presence, absence, or extent of wetlands that may be covered under one or more federal, state, Tribal, or local laws.”²³

2. *There are material gaps in the information on impacts to Protected Species, Section 3.5.5*

This section similarly acknowledges that “[s]urveys were not conducted within the expected footprints of the HDD Installation Alternative (aside from in areas that may overlap with surveys conducted for the proposed Tunnel Project).”²⁴

3. *There are material gaps in the information on impacts to Invasive Species, Section 3.5.6*

The Corps takes the same generalized approach to considering the potential spread of invasive species, speculating on what species might be present on site: “While surveys for the specific invasive species have not been conducted for the expected footprints associated with the HDD Installation Alternative, Table 3.5-6 of the May 2025 Draft EIS details common invasive species in Michigan and their known habitat.”²⁵

4. *There are material gaps in the information on impacts to Archeological Resources, Section 3.6.1*

The Supplemental DEIS states “for terrestrial and marine archaeological resources, there is some overlap of the HDD Installation sub-alternative footprints and areas that have received intensive

²¹ Given the shortened comment period, the Water Coalition does not represent this list as being exhaustive.

²² *Line 5 Tunnel Project Supplemental Draft Environmental Impact Statement—Horizontal Directional Drill Installation Alternative* (Nov. 2025) 3.4.4.1, p. 3-9.

²³ *National Wetlands Inventory*, U.S. Fish and Wildlife Serv., <https://fwsprimary.wim.usgs.gov/wetlands/apps/wetlands-mapper/>.

²⁴ *Line 5 Tunnel Project Supplemental Draft Environmental Impact Statement—Horizontal Directional Drill Installation Alternative* (Nov. 2025) 3.5.5, p. 3-19.

²⁵ *Line 5 Tunnel Project Supplemental Draft Environmental Impact Statement—Horizontal Directional Drill Installation Alternative* (Nov. 2025) 3.5.6, p. 3-22.

inventory and evaluation efforts for the proposed Tunnel Project.”²⁶ However, “[s]urveys are not available for portions of the HDD Installation Alternative, including the pipeline assembly area/timber storage areas expected under either HDD Installation sub-alternative, to determine if terrestrial archaeological resources may be present.”²⁷

5. *There are material gaps in the information regarding Geologic Hazards, Section 3.8.3*

The Supplemental DEIS acknowledges that “[n]o borings or geotechnical surveys were performed for footprints associated with this alternative,”²⁸ and concedes “[t]he lack of geotechnical data available for this alternative raises the uncertainty of encountering unstable conditions such as pockets of gas, groundwater, or voids.”²⁹

6. *There are material gaps in the information regarding Karst Conditions, Section 3.8.4*

The Supplemental DEIS also acknowledges, “[a]s stated in Section 3.8.4 of the May 2025 Draft EIS, known areas of karst features occur in Emmet, Cheboygan, and Mackinac counties. Karst features are mapped in the area of analysis and could potentially be encountered during drilling.”³⁰

B. The Corps Cannot Avoid Addressing this “Incomplete and Unavailable Information” in its Preparation of the EIS

At the outset of Chapter 3, the Supplemental DEIS acknowledges the “uncertainties caused by incomplete and unavailable information.”³¹ However it goes on to excuse these deficiencies, noting that “in the absence of design data (e.g., construction layout information, etc.) or in some instances specific location data (e.g. site-specific natural and cultural resources surveys) [the Corps] developed a range of potential impacts based on conceptual design data, siting criteria, other available plans and commitments, and available baseline data for each resource area.”³² The Corps weakly excuses the absence of critical information and location data by stating the Supplemental DEIS is based on “the best existing and available information for the purposes of identifying the range of environmental effects that may occur.”³³ These deficiencies in information in Chapter 3 result in an incomplete and ineffective analysis of environmental consequences under Chapter 4, and, as a result, the Supplemental DEIS fails to satisfy the Corps legal responsibilities to properly consider

²⁶ *Line 5 Tunnel Project Supplemental Draft Environmental Impact Statement—Horizontal Directional Drill Installation Alternative* (Nov. 2025) 3.6.1, p. 3-23.

²⁷ *Line 5 Tunnel Project Supplemental Draft Environmental Impact Statement—Horizontal Directional Drill Installation Alternative* (Nov. 2025) 3.6.1.1, p. 3-23.

²⁸ *Line 5 Tunnel Project Supplemental Draft Environmental Impact Statement—Horizontal Directional Drill Installation Alternative* (Nov. 2025) 3.8.2, p. 3-26.

²⁹ *Line 5 Tunnel Project Supplemental Draft Environmental Impact Statement—Horizontal Directional Drill Installation Alternative* (Nov. 2025) 3.8.3, p. 3-26.

³⁰ *Line 5 Tunnel Project Supplemental Draft Environmental Impact Statement—Horizontal Directional Drill Installation Alternative* (Nov. 2025) 3.8.4, p. 3-26.

³¹ *Line 5 Tunnel Project Supplemental Draft Environmental Impact Statement—Horizontal Directional Drill Installation Alternative* (Nov. 2025) 3.1.4, p. 3-2.

³² *Id.*

³³ *Id.*

alternatives under the NEPA, the CWA, the RHA, and the NHPA.

If the intent of the Supplemental DEIS is truly to compare the potential environmental impacts of the HDD Installation Alternative against the potential impacts of the Applicant's Preferred Tunnel Project, that can only be accomplished with information sufficient to assess the risks posed by each technology and the potential site-specific impacts of each plan, which would necessarily involve the assessment of "specific location data."³⁴ Deferring this assessment to a potential future in which the Applicant chooses to pursue this alternative frustrates the alternatives process and is unacceptable.

Both the Tunnel Boring and HDD Technologies Have Catastrophic Track Records in the Great Lakes Region

Both the Applicant's Preferred Alternative (the Tunnel Project) and the HDD Installation Alternative involve the execution of unprecedented mega infrastructure projects within one of the most critically important and ecologically sensitive freshwater ecosystems in the world. The viability of applying either technology in the conditions under the Straits is uncertain to say the least. However, what is certain is that the track record of both technologies applied in the Great Lakes Region has yielded catastrophic results.

Indeed, the May 2025 DEIS acknowledges several examples of tunnel failures under far less extreme conditions,³⁵ including the 1971 explosion under Lake Huron during the boring of a water tunnel, which killed 22 workers.³⁶ As noted in the Water Coalition's June 2025 comments, professional literature on tunneling cautions that "[u]nexpected ground conditions are often the main reason for tunneling accidents during construction. Despite recent efforts made to improve existing tunneling technologies, forecasting ground conditions in tunneling remains the most challenging task in tunneling because of significant uncertainties related to the subsurface."³⁷

The Supplemental DEIS likewise acknowledges the significant risks associated with HDD, including the potential for inadvertent drilling fluid returns (aka "inadvertent releases" or "frac-outs") "through fractures [sic] in overlying soils or rock during drilling, which could allow slurry/pressurized drilling fluid to enter nearby groundwater resources."³⁸ Enbridge has not conducted any geotechnical investigations to evaluate the rock at the depth at which the HDD would occur, but based on the limited investigations that have been conducted, it is likely that the boring for the HDD will encounter fractures in the rock.³⁹

³⁴ *Id.*

³⁵ *Enbridge Line 5 Tunnel Project, DEIS* (May 2025) 3.14.1.2.1, p. 3-154, 5.

³⁶ *The 1971 Lake Huron water tunnel explosion*, The Detroit News (updated July 4, 2020), <https://www.detroitnews.com/picture-gallery/news/local/michigan-history/2016/09/17/the-1971-lake-huron-water-tunnel-explosion/90513460/>.

³⁷ See the Water Coalition Comments, *supra* note 14, at 16 (quoting Rita L. Sousa and Herbert H. Einstein, *Lessons from accidents during tunnel construction*, 113 *Tunnelling and Underground Space Technology* 103916 (July 2021) <https://doi.org/10.1016/j.tust.2021.103916>).

³⁸ *Line 5 Tunnel Project Supplemental Draft Environmental Impact Statement—Horizontal Directional Drill Installation Alternative* (Nov. 2025) 4.14.2.2, p. 4-87.

³⁹ See the Water Coalition Comments, *supra* note 14, at 15-16 (discussing poor and very poor rock quality in the Straits' subsurface).

Enbridge used HDD in the construction of its replacement Line 3 Pipeline across several water crossings in Northern Minnesota. During construction, “Enbridge violated a series of regulations and requirements including discharging construction stormwater into wetlands and inadvertently releasing drilling mud into surface waters at 12 locations between June 8, 2021 and August 5, 2021.”⁴⁰ At the 12 locations, there were a total of 28 releases.⁴¹ As a result, the State of Minnesota and the Fond du Lac Band brought an enforcement action resulting in \$11 million in payments, environmental projects, and financial assurances.⁴²

The Supplemental DEIS fails to provide sufficient information to properly assess the risks and potential impacts of such releases during HDD installation. The Corps cites studies acknowledging several factors that can lead to frac-outs, including in part “[d]owntime in the HDD process,” “[d]rill rig operator lacking the required skills,” “[d]rill pipe failure,” and “borehole collapse.”⁴³ One cited study identified three categories of common HDD failures and their respective root causes, including insufficient geotechnical exploration with the cited root causes of soil borings not being deep enough, frequent enough, or being located on top of pipe alignment, and insufficient soil information being obtained.⁴⁴ In fact, in 2020, the Corps’ Southwest Galveston (SWG) District also issued its own study discussing “installation issues” with HDD that primarily focuses on frac-outs.⁴⁵ The study includes case studies of 11 incidents of frac-outs in the SWG district alone and determines one of the main causes for frac-outs is that the equation to determine maximum allowable pressure may not be suitable *depending on site conditions*.⁴⁶

By expediting this process and superficially reviewing the Tunnel Project and select alternatives for conveying oil through the Straits—despite these grave risks and lack of information necessary to assess them—the Corps is threatening valuable and globally unique freshwater resources and the important ecological, cultural, economic, and social value they provide. Approving the proposal in haste, without requiring the Applicant to provide all available information, is unacceptable and a violation of the Corps’ legal obligations to the public.

⁴⁰ *Minnesota state agencies and Fond du Lac Band announce Enbridge enforcement resulting in \$11M in payments, environmental projects, and financial assurances*, Minnesota Pollution Control Agency (October 17, 2022), <https://www.pca.state.mn.us/news-and-stories/minnesota-state-agencies-and-fond-du-lac-band-announce-enbridge-enforcement-resulting-in-11m-in-> See also *Enbridge Line 3 Pipeline Replacement Project*, Minnesota DNR (July 27, 2023), <https://www.dnr.state.mn.us/line3/index.html>.

⁴¹ Allie Johnson, *MPCA Investigating 28 releases of drilling fluid along Line 3 Pipeline Project*, FOX 9 (Aug. 10, 2021), <https://www.fox9.com/news/mpca-investigating-28-releases-of-drilling-fluid-along-line-3-pipeline-project>.

⁴² *Minnesota state agencies and Fond du Lac Band announce Enbridge enforcement resulting in \$11M in payments, environmental projects, and financial assurances*, *supra* note 40.

⁴³ *Line 5 Tunnel Project Supplemental Draft Environmental Impact Statement—Horizontal Directional Drill Installation Alternative* (Nov. 2025) 3.14.1, p. 3-40, 41.

⁴⁴ *Id.* (citing Blake Peters, Jeffrey S. Lowe, and Seton Katz, *Can You See It Coming? Examining and Mitigating the Common Causes of HDD Failures*, North American Society for Trenchless Technology (NASTT) (April 2014) last accessed October 1, 2025, https://www.mckimcreed.com/wp-content/uploads/2014/11/2014-No-Dig-HDD-Failures-Blake_Lowe_Katz.pdf).

⁴⁵ Sunday Akinbowale, Robert Thomas, SWG’S History/Case Studies of Frac-Out and Other Horizontal Directional Drilling (HDD) Installation Issues (2020).

⁴⁶ *Id.* at 26-29.

Conclusion

The people of the Great Lake Basin depend on the Corps, with its technical expertise and mandate to serve the public interest, to take great care in its consideration of the Tunnel Project and explored alternatives' potential to have significant impacts on human and natural environments. The Agency violates that mandate in the DEIS and the Supplemental DEIS, by failing to collect the information necessary to properly assess and consider the risks associated with the reviewed alternatives and unlawfully excluding consideration of alternatives that do not involve building a pipeline through the Straits.

We once again implore the Corps to remember that safeguarding the Great Lakes is a paramount public interest—their waters are vital to both national security and the regional economy, and they are of incalculable cultural, spiritual, and ecological significance to the people of the region. The Corps' failure to cure the above detailed deficiencies through proper risk and alternatives analyses, both in the DEIS and Supplemental DEIS, will render the EIS incomplete and non-compliant with NEPA. Any final decision short of a permit denial will be unlawful as a result.

Sincerely,

Kacey Cook
Staff Attorney

Skip Pruss
Senior Advisor
Flow Water Advocates
223 Lake Avenue, Suite B
Traverse City, MI 49684
(231) 944-1568

Doug Hayes
Senior Attorney
Sierra Club Environmental Law Program
1650 38th Street, Suite 103W
Boulder, CO 80301
303-449-5595 ext 100

Sarah Damron
Senior Regional Manager - Texas & Great Lakes
Surfrider Foundation
P.O. Box 73550
San Clemente, CA 92673