



United States Department of the Interior

NATIONAL PARK SERVICE
Apostle Islands National Lakeshore
415 Washington Avenue
Bayfield, Wisconsin 54814-9599

IN REPLY REFER TO:

1.A.2(APIS)

March 22, 2022

VIA ELECTRONIC MAIL

CEMVP-L5WSR-PN-Comments@usace.army.mil

St. Paul District Corps of Engineers
CEMVP-RD 180 Fifth Street East
Suite 700
Saint Paul, MN 55101

Thank you for the opportunity to comment on your permit application from Enbridge for the proposed Line 5 reroute. Apostle Islands National Lakeshore is located just north/northwest of the proposed pipeline reroute. Due to the proximity of the Lakeshore to Line 5, we have concerns regarding potential impacts to natural and cultural resources, as well as visitor and employee health and safety.

Background

Apostle Islands National Lakeshore includes 21 of the 22 Apostle Islands, located along the southern shore of Lake Superior. The purpose of the lakeshore is to conserve and protect an outstanding collection of scenic, scientific, biological, geological, historical, archeological, cultural and wilderness features. Several of the islands we manage are located just north/northwest of the proposed pipeline reroute.

The park's boundary extends into Lake Superior by ¼ mile, a water boundary encompassing each island and extending to the coastal area adjacent to the park's 12 mile long mainland unit. A full eighty percent (80%) of our park is designated Wilderness, a federal designation providing additional protection for several resources. The park provides critical habitat for endangered species, important habitat for a wide variety of species, and a rich collection of cultural resources. The Apostle Islands provide critical protection for important fishery habitat, including critical spawning grounds for commercially important lake trout and whitefish. Our mission seeks to protect these important habitats for commercial, subsistence and recreational fishing.

The Apostle Islands remain the traditional home of the Ojibwe people and the lands we help administer are integral to their stories, ceremonies, and culture. Approximately ninety six percent (96%) of the park exists within Ceded Territories (1842 Treaty), lands for which tribal members retain specific treaty related rights, while the remaining acreage (4%) exists within the boundaries of the Red Cliff Reservation.

The role of traditional lands adds important context to this letter. The members of the Bad River Tribe retain ownership of the land underlying the Kakagon Sloughs. The NPS and the Tribe have partnered to protect the Kakagon Sloughs as a resource of national significance as a National Natural Landmark (NNL). The NNL program, administered by the National Park Service, serves to recognize, encourage and support conservation of the nationally significant examples of biological and geological features on both public, private, and tribal lands by providing additional technical support and analysis in federal planning documents. The Kakagon Sloughs are wetlands with regional, national and international significance. In recognition of its international significance, it was designated as a RAMSAR site in 2012. As an excellent representative of a true freshwater delta by virtue of its large size, complex mixture of marsh, bog and dune vegetation types, and undisturbed condition, the site is one of the finest marsh complexes on the upper Great Lakes and the only remaining extensive coastal wild rice bed in the region.

We request that ACOE specifically consider potential threats to Apostle Islands National Lakeshore and the Kakagon Sloughs and ensure that needed assessments are completed.

For your information, the NPS has requested the following information from the WDNR, as it is currently lacking in their Draft Enbridge Line 5 EIS. The NPS requests ACOE consider incorporating similar information into its early planning documents and decision models.

1. Site Specific Detail for Apostle Islands and Kakagon Sloughs:

Apostle Islands site-specific description describing current conditions of Apostle Islands surface waters, important public lands attributes of Apostle Islands, potential effects on Apostle Islands surface water and potential effect of the project on the public lands of Apostle Islands.

Inclusion of specific protections for the Kakagon Sloughs and its watershed from impacts during construction, operation, and pipeline maintenance.

2. Site Specific Oil Spill Analysis:

A site-specific oil spill analysis developed specifically for Apostle Islands, to effectively understand the potential impacts of the project. Any spills that reach Lake Superior have potential to cause significant impacts to park managed aquatic and coastal resources, including cultural resources (e.g., shipwrecks, archeological sites). Recent research has shown that the direction and spread of outflow from the Bad River is variable and can be carried and dispersed miles to the northwest and into the heart of the Apostle Islands Archipelago. The assessments should also account for the less developed nature of the proposed route and areas downstream, which create a higher likelihood that pipeline releases will go unnoticed in remote forests, wetlands, and waterways for significant lengths of time.

With the support of the Bad River Tribe, a site-specific analysis for an oil spill scenario and specific protections from impacts during construction, operation, and pipeline

maintenance. This site-specific analysis will help the NPS determine the potential impacts to the Kakagon Sloughs NNL. This analysis should also assess how local conditions and weather events will impact spill response, including ice cover and flooding, the latter of which has become more frequent and extreme in the area.

3. Foreseeable Impacts:

As part of a cumulative effects analysis, NPS requests the plan make note of any readily foreseeable actions, such as the need to construct staging areas, build temporary roads, construct new compressor stations, or maintenance facilities for activities within the watershed(s) of the Kakagon Sloughs and Apostle Islands.

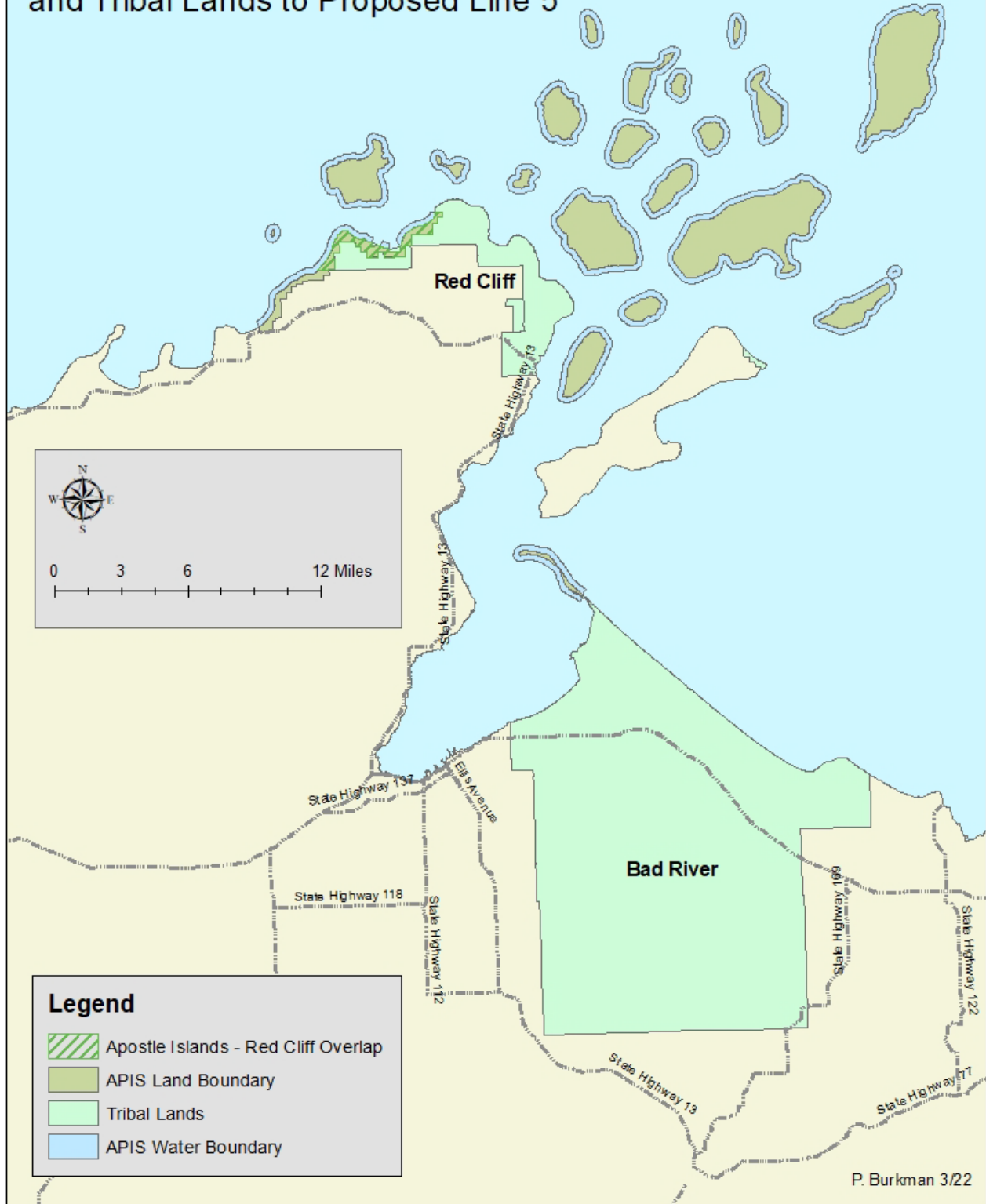
Thank you for your consideration. We appreciate the planning Army Corps is undertaking to ensure the resources of the American public remain protected. If it would serve your staff, we would be willing to host an informal meeting between NPS and ACOE during which NPS can share modeling data we've collected depicting sediment transport and current movement at the terminus of Bad River. This data may aid ACOE's understanding of how currents flow into the Kakagon Slough and the Apostle Islands. If acceptable to your office, NPS can also discuss additional site-specific data for peak flow models which demonstrate how, under certain conditions, flood waters drain into the Sloughs from upper reaches of the watershed.

On a personal note, I want to thank you for helping the NPS protect the natural and cultural heritage found within Apostle Islands National Lakeshore and Kakagon Sloughs National Natural Landmark.

Sincerely,

Lynne Dominy
Superintendent
Apostle Islands National Lakeshore

Proximity of Apostle Islands National Lakeshore and Tribal Lands to Proposed Line 5

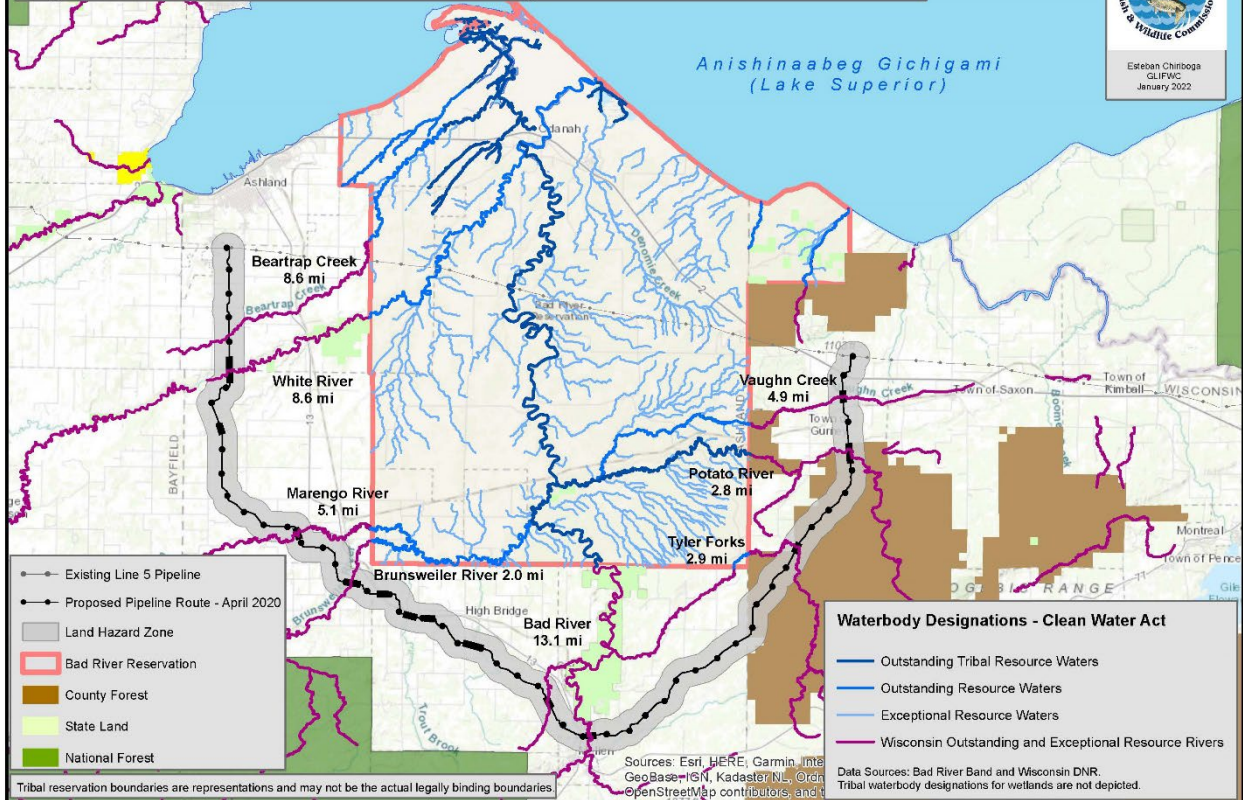


From: Draft Environmental Impact Statement: Proposed Enbridge Line 5 Relocation Project (Ashland, Bayfield, Douglas and Iron Counties).

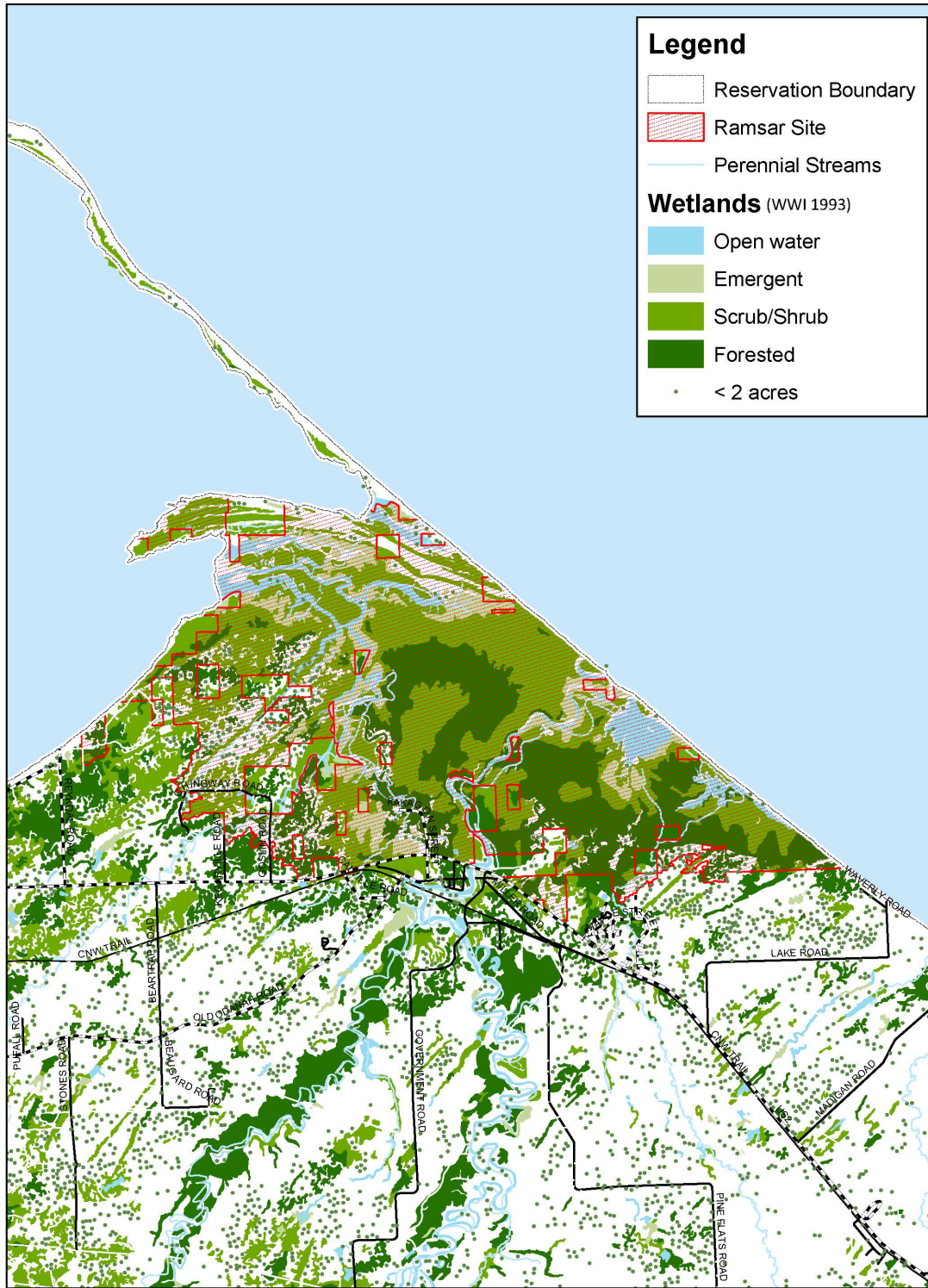


Figure 1.1.1-1 Project Overview Map

Proposed Line 5 Pipeline Reroute - Distance From the Proposed Pipeline to the Reservation Boundary in River Miles



Ramsar Lands with the Bad River Reservation



Legend

- Reservation Boundary
- Ramsar Site
- Perennial Streams

Wetlands (WWI 1993)

- Open water
- Emergent
- Scrub/Shrub
- Forested
- < 2 acres

July 27th, 2012

Map created by:
Water Resources Staff
Bad River Natural Resources Department

