



GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF
ENVIRONMENT, GREAT LAKES, AND ENERGY
GAYLORD DISTRICT OFFICE



LIESL EICHLER CLARK
DIRECTOR

May 4, 2020

VIA E-MAIL

Mr. Paul Turner
Enbridge Energy, Limited Partnership
26 East Superior Street, Suite 309
Duluth, Minnesota 55802

Dear Mr. Turner:

SUBJECT: Correction Request
Submission No. HNY-NHX4-FSR2Q
Counties: Emmet and Mackinac
Site Name: Enbridge Energy-Line 5-Straits of Mackinac

The Department of Environment, Great Lakes, and Energy (EGLE), Water Resources Division (WRD), has received and reviewed your application for a utility tunnel beneath the Straits of Mackinac. Based on the review, the application has been determined to be incomplete as received and cannot be further processed until the information and edits requested below have been submitted.

EGLE requires a public notice document to explain the proposed regulated activities as concisely as possible and to be easily accessible to the public. The public notice material is intended to be published for the public to use in reviewing the proposal and offering substantive comments on the proposed project. The materials, as submitted when compiled, total over 350 pages in length and are 86 MB in size. This is a very large sized document. EGLE requests that Enbridge edit submitted materials for precision and relevance to actual proposed construction. Please eliminate items that do not apply to the proposed work, as well as, adding details where needed/requested. All Enbridge materials submitted to date will be retained in MiWaters and will continue to be accessible to the public. EGLE is not advising elimination of already submitted documents. EGLE is requesting refining of materials for appropriate public noticing.

EGLE understands that design–build process is being used by overlapping the design phase and construction phase of this project. This means that much of the exact dimensions and specifications of structures and tunnel location and design are to be determined as the project design is finalized. One example is the exact proposed tunnel inside diameter is not yet determined. Enbridge is proposing the tunnel will be approximately 18 to 21 feet in finished diameter, or other appropriate diameter determined through final design. Enbridge will be required to provide appropriate and relevant final design details to EGLE WRD as soon as designs are finalized and available.

Please consider the benefits of scheduling a conference call to discuss this correction request and EGLE comments and requested edits to Enbridge application materials. EGLE recommends that we discuss this application, its processing, and to go over the details of

implementing this application review including Enbridge future submittals of relevant design products and specifications.

Under Part 17, Michigan Environmental Protection Act, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended (NREPA), the department is required to assess whether there are any feasible or prudent alternatives to the tunnel project. The application should include a complete assessment of the alternatives.

On page 2 of the application attachment titled "Investing in Michigan's Future" two transportation options are mentioned but not analyzed. Please include a detailed analysis of those options and any others that are available to Enbridge.

EGLE anticipates requiring mitigation for permanent wetland impacts. Please provide a conceptual wetland mitigation plan. If permanent wetland impacts are proposed and no mitigation is offered, you must provide more than a request for wetland mitigation waiver. A commentary is required with an explanation detailing why compensatory wetland mitigation is not required.

The wetland restoration plan requires additional details. Please refer to R 281.925 (Rule 5) of Part 303, Wetlands Protection, of the NREPA for guidance.

Houghton's Goldenrod (*Solidago houghtonii*) and Dwarf Lake Iris (*Iris lacustris*), both plant species that have been separately listed by Michigan and the United States Fish and Wildlife Service as Threatened (legally protected), have been observed within the limits of disturbance on the north side of the Straits of Mackinac. Please upload a mitigation plan for the anticipated impacts to Houghton's Goldenrod and Dwarf Lake Iris.

Please provide spoil disposal information detailing, as best estimated, anticipated amounts including muck and rock that will be moved off-site and how and where this material will be both temporarily and permanently disposed of. Once designs are final please update this information.

There is known litigation involving the property with several ongoing legal challenges. On page 8 of the application there is a question asking about any known litigation involving the property. If not including known litigation information, Enbridge should explain why the still pending litigation on the validity of Act 359, the Tunnel Agreement, and the Assignment of Easement are not mentioned.

Please upload a copy of the referenced Michigan Department of Natural Resources Easement to Construct and Maintain Underground Utility Tunnel at the Straits of Mackinac.

Please upload a copy of the Straits Geotechnical Data Report (GDR). Enbridge indicated that additional laboratory testing was being completed and results of this analysis are proposed as an addendum to the GDR. As this project moves forward, please provide any additional GDR information as it is generated.

This is an effort to refine and reduce the total size and reduce number of pages to be included in the final public notice. Edits can simply be uploaded into the existing MiWaters application as an addition to already submitted materials.

Additional information and/or filing fees may be required upon further review of your application. Should we not receive the requested information from you within 30 days of this letter, we will consider your application as withdrawn and will close your application. Fees are not refundable on applications once a decision has been made or if an action has been taken, such as closing an application due to no or incomplete response to a correction request letter, posting a public notice, or conducting a site visit. A new application may be submitted, but fees are not transferable.

If you have any questions regarding this letter or your application, please contact me at 989-330-9252; or HaasJ1@michigan.gov. Most EGLE staff, including myself, are working remotely and we are attempting to complete as much as possible without going into the office. Please do not mail any work/application products to the Gaylord District Office. Please submit requested modifications as an amendment by uploading to the MiWaters site for this project and copy me at my email address. Please include Submission No. HNY-NHX4-FSR2Q in your response. The status of your application can be tracked online at <https://miwaters.deq.state.mi.us/miwaters/>.

Sincerely,

A handwritten signature in black ink, appearing to read 'Joe Haas', with a long horizontal flourish extending to the right.

Joseph Haas, District Supervisor
Gaylord District Office
Water Resources Division

cc: Mr. Peter Holran, Enbridge
Mr. Jeff Benefiel, Stantec Consulting Services, Inc.
Ms. Katie Otanez, U.S. Army Corps of Engineers, Detroit