ATTACHMENT 4

ENBRIDGE LINE 6B NRDA TRUSTEE COMMENTS
ON PERMIT FILE #12-13-0012-P

The Natural Resource Trustees have reviewed Permit File #12-13-0012-P and are providing comments related to this permit application. Although our comments are provided by each specific Trustee, you will find that the Trustees share similar concerns in regards to the efficacy of toolbox methods and proposed containment methods, as well as potential impacts to biota.

The Trustees appreciate the ability to comment upon this application.

Sincerely,

Stephanie Millsap
Lead Administrative Trustee, Enbridge Line 6b NRDA

Comments from USFWS

The general description at the beginning of the public notice states that sediment curtains attached to booms will be used downstream of work sites to control turbidity, but the description in Box 3 of the application describes material escaping booms and accumulating behind Ceresco Dam and at other collection points. Also, in the alternatives considered part of Box 4, Enbridge proposes to agitate sediments to mobilize material to downstream collection points. These latter two descriptions of processes raise concerns about oil constituents being mobilized from the sediments and into the water column, where either turbidity or toxicity could impact biota in the area and for some distance downstream. It's not clear from this application the extent to which oil constituents and turbidity are being captured and controlled after being mobilized from the sediment. Containment should be clarified, efficacy should be determined, and monitoring performed for these techniques.

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Comments from NOAA

Toolbox techniques may injure mussels, therefore a plan should be developed to determine if mussels are present in the areas proposed for agitation or other techniques that would disrupt the sediment bed, and the plan should include provisions for protecting the mussels by relocating them or using alternate techniques in those areas.

Further description is needed of the rationale for selecting active remediation over monitored natural attenuation. If this is in another document such as the NEBA, please provide a reference to it. Among other things, this should describe the quantity of the remaining oil and the threats it poses.

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Comments from MDEQ

They need to employ statistically-based sampling methods to determine percent cover of plants, plant species diversity, and potential fish and wildlife usage of areas prior to any work. They should also be proposing a proper wetland mitigation plan to deal with the impacts to the wetland areas. There does not appear to be any mention of mitigation or restoration efforts in the application.

In addition, similar to the concerns articulated by US-FWS, containment of mobilized oil and oil-related constituents is a critical concern. Due to the lack of certainty with respect to containment, toolbox techniques should not be used in the Delta and Morrow Lake in order to prevent any expansion of the affected area.

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Comments from MDNR

Fisheries Division would prefer to see the least destructive technique to be used. Aeration and water jets are preferred over mechanical methods such as raking, chain drags, and rototilling. The mechanical methods can injure macroinvertebrates including mussels.