

September 18, 2014

U.S. Department of State
2201 C Street, NW, Suite 2727
Washington DC 20520

Dear U.S. Dept. of State

Please accept these additional public comments on the proposed Enbridge Energy Line 67 Expansion Project. I also ask that the Department of State consider the comments I submitted during the previous open comment period.

My name is Peter Bormuth and I am a Pagan Druid currently living in Jackson, Michigan. Every year I make a pilgrimage to the shoreline of Lake Superior to do ceremony and to honor the greatest living body of fresh water on this planet. Sometimes I journey to Pictured Rocks and sometimes to Duluth and Minnesota's North Shore. My Pagan ceremonies conclude by drinking water taken directly from Lake Superior.

I wish to divide my comments into two sections. After introducing background facts and examining former Vice President Dick Cheney's treasonous influence on our energy and foreign policy, the first section will consider the Department of State's responsibilities with regard to the Enbridge request for a new Presidential Permit which will authorize Enbridge to operate the existing Line 67 pipeline to full design capacity while increasing pump capacity in two phases. The second section of my comments will deal with the proposed Enbridge Terminal expansion in Superior Wisconsin and related projects.

ISSUING A NEW PRESIDENTIAL PERMIT FOR ENBRIDGE ENERGY LINE 67 VIOLATES 42 USC § 4331 SEC 101(B)(1)(2)(3)(4). UNDER 42 USC § 4331 SEC 102(2) THE DEPARTMENT OF STATE MUST CONSIDER THE ADVERSE ENVIRONMENTAL IMPACTS OF THE PROJECT, LONG TERM CONSEQUENCES, ALTERNATIVES TO THE PROPOSED PROJECT, AND THE IRRETRIEVABLE RESOURCES WHICH THE PROJECT MAY DESTROY.

Background Facts

The Alberta Clipper, also known as Line 67, currently pumps up to 450,000 bpd of tar sands crude from Hardisty, Alberta, to Superior, Wisconsin. From the Canadian border, the pipeline traverses 327 miles across North Dakota and Minnesota to Wisconsin and the shores of Lake Superior. Enbridge seeks to almost double the pipeline's capacity to 880,000 Bpd and to construct three new tar sands storage tanks at their Superior Wisconsin terminal on the Nemadji River two miles from Lake Superior. Pipelines pumping tar sands crude can run as high as 1,440 pounds per square inch (psi). By comparison conventional crude pipelines operate at around 800 psi. Tar sands bitumen is diluted with blends of natural gas liquids for transport — light diluents which contain known carcinogens such as benzene. Even then, the diluted bitumen is 40 to 70 times more viscous than conventional crude. The combination of tar sands' extreme pressure requirements and its chemical and physical characteristics can compromise pipeline integrity. Between 2010 and 2012, northern Midwestern pipelines transporting the greatest volumes of tar sands crude spilled 3.6 times as much crude per mile as the national average.

Mining for tar sands scrapes clear centuries-old trees, peat, and topsoil, destroying habitat for millions of migratory birds and iconic species such as woodland caribou, and ravaging one of our strongest remaining defenses against climate disruption — boreal forest captures and stores almost twice as much carbon as tropical forest. Shovels and trucks the size of two-story buildings

strip-mine the earth, extracting an average of two tons of tar sands to produce each barrel of usable crude. A single open pit mine releases as much carbon pollution in one day as 1.35 million cars.

The Alberta Clipper connects to an immense domestic infrastructure of oil pipelines, including the 4,700 miles comprising Enbridge's main Lakehead System. Enbridge is already engaged in multiple pipeline expansion projects that connect with the Alberta Clipper. Three of these projects expand pipelines in the heart of the Great Lakes Basin, imperiling lands and watersheds vital to millions of people. Line 61 runs through the heart of Wisconsin and its farmland; in 2011, this pipeline spilled 50,000 gallons of oil into the environment; Line 6B, running through the Lake Michigan watershed, is the notorious pipeline responsible for the Kalamazoo River disaster. Line 5 is an aging, 60-year old pipe that runs along the bottom of the Great Lakes and through the Straits of Mackinac, where water moves between Lakes Michigan and Huron at an extraordinary rate of three feet per second. Water can flow in either direction between Lake Huron and Lake Michigan. A rupture under the Straits could be unimaginably devastating: in as little as eight minutes (Enbridge's fastest possible response time) this pipeline could pump as much as 1.5 million gallons of tar sands crude into the Straits and the lakes it connects. It took Enbridge *seventeen hours* to respond to the Kalamazoo leak. A new University of Michigan study by David Schwab, a research scientist at the University of Michigan Water Center, shows that the shores of Mackinac and Bois Blanc islands, and the Lake Huron shoreline from Mackinaw City to Rogers City would be most affected by a spill. Oil could extend west to Beaver Island in Lake Michigan and southeast to Rogers City in Lake Huron. "I can't think, in my experience, of another place in the Great Lakes where an oil spill would have as wide of an area in as short of time as the Straits

of Mackinac,” said Schwab, who recently retired from the National Oceanic and Atmospheric Administration. A rupture anywhere in the Great Lakes region could be devastating. The Great Lakes are the backbone of one of the largest regional economies in the world and contain 84% of North America’s fresh water supply. They provide drinking water for over 40 million people and support tourism, recreation, a \$7 billion fishing industry, and a \$16 billion boating industry.

Since the year 2000, Enbridge has spilled over 192,715 barrels of oil into the environment. In 2000 Enbridge reported 48 pipeline spills and leaks totaling 7,513 barrels. In 2001 Enbridge reported 34 pipeline spills and leaks totaling 25,980 barrels. In 2002 Enbridge reported 48 spills and leaks totaling 14,683 barrels. In 2003 Enbridge reported 62 spills and leaks totaling 6,410 barrels. In 2004 Enbridge reported 69 spills totaling 3,252 barrels. In 2005 Enbridge reported 70 spills totaling 9,825 barrels. In 2006 Enbridge reported 61 pipeline spills totaling 5,363 barrels. In 2007 Enbridge reported 65 pipeline spills and leaks totaling 13,777 barrels. In 2008 Enbridge reported 80 pipeline spills and leaks totaling 2,682 barrels. In 2009 Enbridge reported 103 pipeline spills and leaks totaling 8,441 barrels. In 2010 Enbridge reported 80 pipeline spills totaling 114,122 barrels. In January 2014, the company had to shut down the Alberta Clipper after a 5,250-gallon spill at a pumping station. Canada’s National Energy Board found that at 93% of the company’s pumping stations, Enbridge is not complying with emergency shutdown safety standards that have been in place since the 1990s.

In Wisconsin, spills include the previously noted Friday, January 24, 2003, spill at Enbridge’s Superior Terminal of 2,500 barrels (100,000 gallons) of crude oil. In January 2007, an Enbridge pipeline ruptured, pouring more than 30,000 gallons of crude oil onto a farm field in Clark County.

In February 2007 another Enbridge pipeline rupture dumped 176,000 gallons of heavy crude onto a farm field in Rusk County. In July 2012 a rupture of an Enbridge pipeline spilled over 54,000 gallons of oil in Grand Marsh, Wisconsin.

In Minnesota Enbridge has already experienced a major 6,000 barrel spill in the Mississippi River watershed. On July 4, 2002 in Cohasset, Minnesota, a 34 inch diameter steel pipeline on the Enbridge Lakehead system ruptured in a marsh west of Cohasset. 252,000 gallons of crude oil leaked into surrounding Blackwater creek. In an attempt to keep the oil from contaminating the Mississippi River, the Minnesota DNR set a controlled burn that lasted for one day and created a smoke plume a mile high and five miles long, in order to prevent the oil from entering the Mississippi River. An Enbridge spill was also documented on April 24, 2013 in Viking Minnesota when 600 gallons of diluted bitumen spilled from the Alberta Clipper (Line 67) pipeline.

The U.S. Department of Transportation Pipeline and Hazardous Materials Safety Administration (PHMSA), has fined Enbridge repeatedly for safety violations, including a record \$2.4 million fine in connection with a fire/explosion on November 28, 2007 that killed two workers at the Enbridge Terminal and tank farm in Clearbrook, Minnesota. Citing the company's pattern of failures and safety accidents, PHMSA issued a rare system-wide Corrective Action Order for Enbridge's Lakehead System which remains active even as Enbridge seeks to double its tar sands volume. Enbridge is responsible for the worst onshore oil spill in U.S. history, the 2010 Kalamazoo River disaster. A ruptured Enbridge pipeline poured 843,000 gallons of tar sands crude into Michigan's Talmadge Creek and Kalamazoo River, depositing the crude as far as 35 miles

downstream. Despite multiple alarms and reports, Enbridge allowed an astounding seventeen hours to elapse before shutting down the line. The U.S. National Transportation Safety Board found “pervasive organizational failures” and determined that the company overlooked multiple warning signs of corrosion, cracks, and thinning metals that were evident as early as 2004. Two years after the spill, cleanup costs had reached a staggering \$29,000 per barrel, versus the U.S. average of \$2,000 per barrel. More than three years after the spill, those costs had reached a billion dollars and oil is still being found. I live 15 miles from the site of the spill and paddle (canoe) the Kalamazoo River frequently. Even a cursory examination of the riverbed reveals that a significant portion of oil remains in the river – as much as 20% of the spill may remain. 58% of people in nearby communities reported adverse health effects and 150 families permanently evacuated their poisoned homes and communities. More than 4,000 animals were treated and the final tally of dead and injured wildlife is over 10,000 individuals. As the Kalamazoo spill demonstrates, tar sands crude is far more dangerous than conventional crude, especially in water. Conventional crude floats on the surface. After tar sands diluent’s evaporate, carrying carcinogens like benzene, heavy metals, and other toxins into the air, the bitumen attaches to sediment in the water and sinks to the bottom, where standard crude cleanup techniques such as booms and skimmers do not work. Rear Admiral Fred Midgette, commander of the Coast Guard’s District 9, which includes the Great Lakes recently stated that Coast Guard response plans and organizations “are not capable of responding to heavy oil spills, particularly in open-water scenarios,” in an Aug. 20, 2014 memo to the Coast Guard’s Deputy Commandant for Operations. The Coast Guard Research and Development Center’s June 2013 final report was frank on the limitations in dealing with heavy oil that sinks below the surface and makes

traditional skimming recovery methods ineffective. “Current methods are inadequate to find and recover submerged oil, with responders having to reinvent the techniques on each occasion,” the report states, later adding, “Responses to recent higher profile submerged oil spills have shown responders have almost no capability in detection and recovery.” Even finding and tracking submerged oil is a challenge, said Kurt Hansen, a project manager at the Coast Guard’s Research and Development Center at New London, Conn., specializing in oil spill response. “Once the oil goes below the surface, that sets a whole new set of problems,” he said. “You’re going to have to figure out if it’s coming back up in tiny little droplets, because that’s going to need one set of recovery response and surveillance. Or, if it goes to the bottom in a clump, that’s going to need another set of response. And if it mixes with the silt and sand and dirt at the bottom, that’s going to need even a third set of response and information that you need.” Obviously, if the first responder (Coast Guard) is unprepared and incapable of dealing with a pipeline spill, the pipelines should not be issued a permit since the history of Enbridge clearly shows that a spill is going to occur.

Former Vice President Dick Chaney’s Energy & Foreign Policy

In September of 2000 the Project for the New American Century released a report called ‘Rebuilding America’s Defenses’. This conservative think tank with both Dick Chaney and Donald Rumsfeld on the board called for attacking Iraq, creating a permanent military presence in the Mideast, increased military spending, and establishing a security State with control over space & cyberspace. The report concluded in a somber vein by noting that *“the process of transformation.....is likely to be a long one absent some catastrophic and catalyzing event - like*

a new Pearl Harbor." The report criticized the Clinton era 'peace dividend' which had seen domestic prosperity rise as military spending was cut in the wake of the collapse of the Soviet Union. The Project for the New American Century had previously sent "policy" letters to President Clinton calling for an immediate war with Saddam Hussain.

All the top officials of the Bush administration had ties to the oil industry. Junior with his ties to Harken and Enron; Dick Cheney of Halliburton; Condoleezza Rice of Chevron-Texaco; Donald Rumsfeld of Occidental; Gale Norton of BP Amoco. Cheney in particular focused on the role of energy in global power politics. Chaney was the Secretary of Defense during the 1990-1991 Gulf War conflict. From 1995 to 2000, he served as chairman of the board and chief executive officer of Halliburton, a major supplier of services to the oil industry. Ten days after taking office as vice president he was appointed to chair the National Energy Policy Development Group to devise a new national energy strategy that has governed U.S. policy ever since, of which this Enbridge pipeline expansion is a part.

After the Republicans stole the election of 2000 from Al Gore with a little help from Jeb Bush and Kathleen Harris, the organized Republican thugs who stormed the Dade County canvassing board, and five justices of the United States Supreme Court, Cheney quickly put his ideas into practice. As Justice John Paul Stevens noted in his dissent: *"one thing, however, is certain. Although we may never know with complete certainty the identity of the winner of this year's presidential election, the identity of the loser is perfectly clear. It is the nation's confidence in the judge as an impartial guardian of the rule of law."* The *Miami Herald*, a respectable newspaper, after an exhausting review of the election results and voting trends, concluded that Gore had actually carried Florida by 23,000 votes.

In May of 2001 the National Energy Policy Development Group headed by Chaney released the National Energy Report. Senior agency officials with the Department of Energy met numerous times with energy companies to provide advice to Cheney's energy task force. Those companies included Mobil/Exxon, Enron, Bechtel, Chevron, American Coal Company, Small Refiners Association, the Coal Council, CSX, Kerr-McGee, Nuclear Energy Institute, the National Mining Association, General Motors, the National Petroleum Council, and the energy lobbying firm of Barbour, Griffith & Rogers. Environmental groups were conspicuously absent from the discussions and while the National Energy Report pays lip service to environmental needs, all of its policy recommendations favor energy and mining industries over the environment.

In order to implement both his energy and national security policies, Vice President Dick Chaney created the "Pearl Harbor like catalyst" he required. On September 11, 2001 commercial airplanes hijacked by Saudi Arabian terrorists with ISI/CIA ties flew into the World Trade Center. For 35 minutes, from 8:15 a.m. until 9:05 a.m., it was widely known within both the FAA and the U.S. military that four planes had been simultaneously hijacked and had subsequently deviated off their designated flight paths. Despite this, it was not until after Flight 77 smashed into the Pentagon at around 9:40 a.m. that Air Force planes were scrambled to intercept. The National Command Authority did virtually nothing for 75 minutes in systematic violation of its own rules and instructions for dealing with such situations. All the details leading up to 9/11 implicate the Vice President. On May 8, 2001 President Bush directed Vice President Dick Cheney to coordinate development of all U.S. government initiatives to combat terrorist attacks on the United States. Then on June 1, 2001 a new order (Chairman of the Joint Chiefs of Staff Instruction 3610.01A) was issued by the Pentagon dealing with deviations from air traffic control protocols. This

suspicious order inserted the Secretary of Defense into the decision making and action protocol which had previously been the domain of senior military commanders, which is why there was no response on 9/11. In year 2000, the old protocols had been followed 67 times - no complications - with a fighter off the ground within 6 to 8 minutes and intercept within 10 to 12 minutes. The lack of response was also precipitated by the multiple war games being conducted by branches of the U.S. military and national security agencies. NORAD was conducting OPERATION NORTHERN VIGILANCE which sent jet fighters to Alaskan airspace. NORAD was also running a simulation of a hijacking in the north eastern sector, OPERATION VIGILANT GUARDIAN. Lt. Col. Dawne Deskins, NORAD unit's airborne control and warning officer, was overseeing the exercise. At 8:40am she took a call from Boston Center which said it had a hijacked airliner. Her first words, as quoted by Newhouse News Service were, *"It must be part of the exercise."* NORAD's press release of September 9, 2001 states: *"Before September 11th, 2001, NORAD regularly conducted a variety of exercises that included hijack scenarios. These exercises tested track detection and identification; scramble and interception; hijack procedures; internal and external agency coordination and operational security and communications security procedures. Numerous types of civilian and military aircraft were used as mock hijack aircraft. The planning, execution, and lessons learned aspects of NORAD exercises were classified. In fact, during the planning stages only so called trusted agents, those directly involved in the planning and execution, knew details of exercises. For operational security reasons, therefore, NORAD cannot discuss details or results of its pre 9/11 hijack exercises....."* FEMA arrived in NYC on September 10, 2001 to conduct BOWWARFARE EXERCISE TRIPOD II, a simulation of a bio-warfare attack on New York City due to be held at Pier 92 on Sept. 12. After the evacuation of WTC Building 7, Pier

92 was conveniently used as the mayor's command center for 9/11 emergency. The National Reconnaissance Office (NRO), which has a division devoted to strategic war gaming, was running a simulation of a private aircraft crashing into their headquarters next to the Dulles Airport.

Cheney's first response is telling. At around 10:00am on September 11, 2001, Cheney had David Addington, Cheney's general counsel and legal adviser, begin contemplating the far-reaching legal changes which ultimately free the vice-president to fight the war on terror as he saw fit. Later that day, Addington, Timothy Flanigan (deputy White House counsel), John Yoo, (deputy chief of the Office of Legal Counsel), and Alberto Gonzales (White House counsel) began drafting the document that became the Authorization to Use Military Force.

Cheney's sense of symbolism and sardonic humor should be appreciated. He had Junior reading a book called My Pet Goat to a group of elementary students in Florida during the attack. He kept the President out of Washington DC until the event was over. He had General Mahmoud Ahmad, head of Pakistani Intelligence and the alleged "money-man" behind the 9/11 hijackers at a breakfast meeting on Capitol Hill with Senator Bob Graham (Democrat) and Representative Porter Goss (Republican), respectively chairmen of the Senate and House Intelligence Committees. Later that day, Cheney, his wife Liz, and his two top aides, I. Lewis "Scooter" Libby and David Addington, went out onto the White House's South Lawn and boarded Marine Two, the vice president's helicopter, in violation of long-standing protocol according to which only the president takes off from the South Lawn. About 30 minutes later they arrived at Camp David, the presidential retreat in the Catoctin Mountains, about 70 miles from the White House. Cheney settled into the cabin usually reserved for the President, Aspen Lodge. Cheney's takeover of our government followed the script laid out by Herman Goring during his testimony at the

Nuremberg Trials: *“The people can always be brought to the bidding of their leaders. All you have to do is tell them they are being attacked and denounce the peace makers for exposing the country to danger. It is easy. It works the same in every country.”* 9/11 was our far more technically sophisticated Reichstag fire. And while no Islamic Saudi terrorist would ever be aware of the symbolic importance of September 11th, Vice President Cheney knew that on September 11, 364 AD in Rome, Christian Emperor Flavius Jovianus, known as Jovian, issued an Imperial Edict which ordered the death penalty for all pagans who continued to worship their ancestral gods or for those who practiced divination. Recall that the very first act of the Chaney/Bush Administration was to issue Executive Orders 13198 and 13199 on January 29, 2001 establishing the Faith Based Initiative which funds evil fascist Christian organizations in violation of the First Amendment’s Establishment Clause.

Chaney’s treasonous actions allowed the Bush Administration to implement the recommendations of the Project for the New American Century ‘Rebuilding America’s Defenses’ report. The Bush Administration dispatched our troops to Iraq and Afghanistan after creating the war hysteria against Islam that followed the 9/11 destruction of the World Trade Center. You may recall that Saddam Hussain did not have any connections with the 9/11 attack. You may recall that President Bush claimed that Saddam had weapons of mass destruction. You may also recall that this was a lie. No weapons of mass destruction were ever found.

It was James Madison, the Father of the Constitution, and our nation’s Fourth President who said *“of all the enemies to public liberty war is, perhaps, the most to be dreaded, because it comprises and develops the germ of every other. War is the parent of armies; from these proceed*

debts and taxes; and armies, and debts, and taxes are the known instruments for bringing the many under the dominion of the few."

The Harvard University's Kennedy School of Government issued a 2013 report that has estimated the total cost for wars in Iraq, Afghanistan, and Pakistan will be at least \$6 trillion dollars, ***the equivalent of \$75,000 for every American household***. The Department of Defense's direct spending on Iraq has totaled at least \$758 billion. U.S. debt soared from \$6.4 trillion in March 2003 to \$10 trillion in 2008 and at least half of that increase is directly attributable to the war. The U.S. has borrowed some \$2 trillion to finance the wars and interest paid on the funds borrowed has already exceeded \$260 billion. Future interest payments will amount to trillions of dollars.

Chaney did manage to make money for his rich friends. When the United States went to war in Iraq, the price of oil was less than \$25 a barrel, and futures markets expected it to remain around that level. With the war, prices started to soar, reaching \$140 a barrel by 2008. All the major oil companies made obscene profits for over a decade. Chaney's military spending produced a fortune for the Carlyle Group, headed by former President George Bush Sr. (who spent the night at the White House with Dick Chaney the night before the 9/11 'attack') and his Saudi and Kuwait investors. Halliburton's spin off, Houston-based energy-focused engineering and construction firm KBR, Inc. (NYSE:KBR) was given \$39.5 billion in Iraq-related contracts over the past decade. I would also note in passing that Halliburton is the major domestic supplier of fracking equipment and that Dick Cheney inserted this arcane bit of language into the 2005 Bush-Cheney energy policy bill: "Paragraph (1) of section 1421(d) of the Safe Drinking Water Act (42

U.S.C. 300h (d)) is amended... [to exclude] the underground injection of fluids or propping agents (other than diesel fuels) pursuant to hydraulic fracturing operations related to oil, gas, or geothermal production activities."

I raise these issues to show the illegitimacy of the entire Bush Administration and their policies. It was the high oil prices artificially created by the Iraqi war which made the development of North American North Dakota bakkan and Alberta tar sands oil economically viable. Taking Iraqi oil off the market and developing North American reserves, regardless of the ecological price was Chaney's plan. We are living Dick Chaney's energy policy and it has never been publicly debated. The fact that the 2000 election was stolen from Al Gore silenced all public debate on energy policy and former Vice President Dick Chaney illegally instituted his national defense, oil, gas, and mineral extraction plans after directing the 9/11 "attack" on the World Trade Center. Al Gore should emerge from his political silence and throw his hat in the ring for 2016 and fight for a renewable energy future for the United States. A Democratic ticket of Al Gore for President and Winona LaDuke for Vice President would be worth voting for.

The Enbridge request for a new Presidential Permit which will authorize Enbridge to operate the existing Line 67 pipeline to full design capacity while increasing pump capacity in two phases.

Legal Argument

Under *42 USC 4331 Sec 101(a)* The Congress recognized the profound impact of man's activity on the interrelations of all components of the natural environment, particularly the effects of resource exploitation, and further recognized the critical importance of restoring and

maintaining environmental quality to the overall welfare and development of man. *42 USC 4331* Sec 101(a) declared that it is the continuing policy of the Federal Government to use all practicable means and measures, including financial and technical assistance, in a manner calculated to foster and promote the general welfare, to create and maintain conditions under which man and nature can exist in productive harmony, and fulfill the social economic, and other requirements of present and future generations of Americans.

42 USC 4331 Sec 101 (b)(1)(3) determined that it is the continuing responsibility of the Federal Government to use all practicable means, consistent with other essential considerations of national policy, to improve and coordinate Federal plans, functions, programs, and resources to the end that the Nation may—**(1) fulfill the responsibilities of each generation as trustee of the environment for succeeding generations;... (3) attain the widest range of beneficial uses of the environment without degradation, risk to health of safety, or other undesirable and unintended consequences;...**

In a letter from their counsel David Coburn, dated June 16, 2014, Enbridge argues that the State Department must issue the requested Presidential Permit because “any failure on the part of Enbridge to provide the requested capacity will cause shippers and refiners to suffer adverse impacts...” But what is good for the oil industry is not what is good for the United States, our environment, and the general welfare of our people and succeeding generations. Enbridge cites the decision of an Administrative Law Judge for the Minnesota Public Utilities Commission issued on June 12, 2014 which concluded that the current capacity of Line 67 is “not sufficient to meet current and expected peak demand for crude oil shipments, [and] [u]nder such circumstances it is likely that the apportionment of nominated shipments of crude oil will occur with greater

frequency and severity on Line 67 if additional capacity is not available.” ALJ Recommendation at 116. The ALJ concluded that without a near-term capacity increase on Line 67 there would be increased oil costs to consumers. *See id.*, at 169-70. But the real mechanism driving oil costs up was Dick Cheney’s invasion of Iraq and the resultant political instability in the Middle East.

I claim the State Department is required to take a full-picture look at the situation. 42 U.S.C 4332 Sec. 102 (2)(A) requires the State Department to “utilize a systemic, interdisciplinary approach” in decision making. 42 U.S.C 4332 Sec. 102 (2)(B) requires that “presently unquantified environmental amenities and values be given appropriate consideration in decision making.” Global climate change is one of those parameters that the State Department must consider. The Alberta Clipper opens the door to explosive development of the nearly 175 billion barrels of tar sands reserves which if fully exploited would spell “game over” for the climate, as NASA’s Dr. James Hansen noted in 2012. Analysts have said that to have a chance of limiting global climate change to no more than two degrees Celsius, we must leave 66% to 80% of proven fossil fuel reserves in the ground. In stark contrast, over the next fifteen years, the tar sands industry expects to almost triple production of tar sands, the world’s most carbon-intensive crude. Tar sands extraction and upgrading produce a staggering 220% to 350% more greenhouse gases than conventional U.S. crude. Expansion of the Enbridge Line 67 capacity will significantly expand greenhouse gases and degrade the world climate. These are effects which cannot be avoided if the project is approved and 42 U.S.C 4332 Sec. 102 (2)(C)(ii) requires a “detailed statement” from the State Department on this issue. Our global atmosphere is an “irretrievable resource” which this project threatens (see 42 U.S.C 4332 Sec. 102 (2)(C)(v)) and this proposed action should not be implemented.

The Great Lakes, which contain 20% of the planet's fresh water are also a irretrievable resource under 42 U.S.C 4332 Sec. 102 (2)(C)(v). Given Enbridge's history, if this proposed action is implemented there is no doubt that at some point, a spill into the Great Lakes will occur. Since Rear Admiral Fred Midgette, commander of the Coast Guard's District 9, which includes the Great Lakes recently stated that Coast Guard response plans and organizations **"are not capable of responding to heavy oil spills, particularly in open-water scenarios"**, the State Department must include contamination of one or several of the Great Lakes as part of the irretrievable commitment of resources involved in this Enbridge project.

42 U.S.C 4332 Sec. 102 (2)(C)(iii) requires the State Department to consider alternatives to this Line 67 capacity expansion and 42 U.S.C 4332 Sec. 101(a) requires that the Federal Government "use all practical means and measures, including financial and technical assistance,...,to create and maintain conditions under which man and nature can exist in productive harmony."

This commenter contends that the solution to meeting U.S. energy needs requires a large scale conversion to clean energy technologies such as wind, water, sunlight which already exist. This is, of course, the solution that was stolen from the American people, along with the 2000 election by the Christian oil scum surrounding George W. Bush, Jr. The first alternative requirement to our energy needs would be the installation of 200,000 to 250,000 wind turbines rated at 1.5 million watts on the Great Plains. On an energy basis, Texas alone could provide all the energy needs of the entire country. Nebraska, Kansas, South & North Dakota also have phenomenal wind resources. 42 U.S.C 4332 Sec. 101(a) requires that the Federal Government "use all practical means and measures, including financial and technical assistance,...,to create and maintain conditions under which man and nature can exist in productive harmony." The

problem is the transmission of wind power from the prime Great Plains sites to the Eastern Seaboard. Rather than permitting this Line 67 expansion, the Federal Government could “use all practical means, including financial and technical assistance” to upgrade transmission lines from the Great Plains to the East Coast. Offshore wind farms on the East Coast could supplement this resource as could wave and tidal installations. To move electricity 1500 miles from the Great Plains to the East Coast would require installing high voltage 765kVac lines or 800kWDC transmission lines. Such a policy would also have detrimental environmental effects on our environment in terms of removing land from cultivation but so do pipeline projects like Keystone. At the minimum, the State Department should consider a wind project whereby all cities in Texas are powered by Texas wind energy and all the cities of the Midwest are powered by wind energy from Nebraska, Kansas, and the Dakota’s. Under 42 U.S.C 4332 Sec. 102 (2)(C)(iii) the State Department must consider the pros and cons of these two energy proposals in comparison to the pros and cons of expanding tar sands oil production. The State Department should also consider the long term security and economic benefits we would accrue by placing our civilian economy on renewable energy completely independent from Middle East oil. The reduced need for American forces and military action in the Middle East would be a huge long-term savings to the U.S. taxpayer, a savings which could be channeled into infrastructure conversion, upgrades, and additional funding for space projects.

Solar energy could also provide significant electric load. In a recent (2009) study, Fthenakis and fellow researchers analyzed the technical, geographical, and economic feasibility for solar energy to supply the energy needs of the U.S. and concluded that “it is clearly feasible to replace the present fossil fuel energy infrastructure in the U.S. with solar power and other renewables,

and reduce CO2 emissions to a level commensurate with the most aggressive climate-change goals.” (*Energy Policy* 37, 387-399, (2009)). While this might be optimistic, certainly a portion of our needs could be met by solar power and transmitted to the West Coast and those options must also be considered under 42 U.S.C 4332 Sec. 102 (2)(C)(iii).

In a 2009 paper ‘Review of Solutions to Global Warming, Pollution and Energy Security’, (*Energy and Environmental Science* 2, 148-173, doi: 10.1039/b8099990c) researcher Mark Jacobson found that the use of electric and hydrogen fuel cell vehicles powered by wind, water, sun options would largely eliminate pollution from the transportation sector, thus preserving our air and climate for future generations. On August 22, 2014 researchers at Stanford University revealed that they have developed a low-cost, emissions-free device that can produce hydrogen renewably through electrolysis of water using the power of an ordinary AAA battery. Unlike existing electrolyzers that use precious metal catalysts, the Stanford group used a catalyst made from abundant and inexpensive nickel and iron that was active enough to split water at room temperature with a single 1.5 volt battery. In spring of 2014, the California Energy Commission announced that it will invest \$46.6 million to accelerate the development of 28 additional public-access hydrogen refueling stations. 42 U.S.C 4332 Sec. 101(a) requires that the Federal Government “use all practical means and measures, including financial and technical assistance,...,to create and maintain conditions under which man and nature can exist in productive harmony.” The Federal Government should be supporting similar programs in every State instead of spending our taxpayer dollars on war in the Middle East.

There is also nearly daily progress on the electric car battery front. Michigan based Sakti3 announced in August 2014 that it’s solid-state lithium battery cells achieved record energy

density of more than 1,100 watt-hours per liter, which is roughly double today's standard battery technology. In 2013 a team of researchers at the University of Illinois at Urbana-Champaign announced they had developed a new lithium battery technology that is 2000 times more powerful than current batteries. This new battery has a porous, three-dimensional anode and cathode. To create this structure the researchers built up a structure of polystyrene on a glass substrate, electrodeposit nickel onto the polystyrene, and then electrodeposit nickel-tin onto the anode and manganese dioxide onto the cathode. Meanwhile a team of researchers at Northwestern University found a way to extend the charge life of lithium-ion batteries by a factor of 10. The research team, led by Harold Kung, professor of chemical and biological engineering in the McCormick School of Engineering, sandwiched clusters of silicon between graphene sheets and used a chemical oxidation process to create in-plane defects in the graphene sheets to reduce the time it takes the battery to recharge. All these technologies are available and could be rapidly developed for commercial use if the political will to transition our civilian economy from oil existed in our Federal Government. The simple step of requiring 35mpg from all passenger vehicles would dramatically accelerate the conversion to hybrid, hydrogen, and electric vehicles. 42 U.S.C 4332 Sec. 102 (2)(C)(iii) requires the State Department to consider these alternatives before approving this Enbridge Line 67 capacity expansion.

The Proposed Enbridge Terminal Expansion in Superior Wisconsin Violates 42 U.S.C. 4321 Sec. 101(a) & (b).

The State Department must deny the Enbridge request for the Superior Terminal expansion for the following reasons:

- 1. This project will adversely affect the Nemadji River and Lake Superior.**

On Friday, Jan. 24, 2003, a crude oil leak at the company's Superior Terminal spilled 2,500 barrels (100,000 gallons) of crude oil from underground piping within the station during a delivery process moving oil from the pipeline into a storage tank. The incident was reported to the U.S. Coast Guard's National Response Center, which notified other federal and state response agencies, including the federal Office of Pipeline Safety. Additionally, the Coast Guard Marine Safety Office (MSO) in Duluth, Minn., immediately activated the unit's Incident Command System and dispatched MSO pollution investigators to the leak site. Despite these precautions over 2,500 barrels (100,000 gallons) of crude oil leaked from underground piping within the station during this delivery process of moving oil from the pipeline into a storage tank. Mark Sitek, Superior Region General Manager for Enbridge Energy reported that the majority of the oil was contained within the terminal ditching and retention pond system. However, more than 450 barrels (18,900 gallons) escaped the terminal and spread about a half-mile onto the Nemadji River. So this permit which includes plans and specs for construction and operation of three new large (24.5 million gallon each) crude oil storage tanks and increased pipeline 61 capacity most definitely has the potential to harm the Nemadji River. The mouth of the Nemadji River is an area of side-channel wetlands that extend for about a mile upstream. Wetlands at the mouth of the Nemadji cover about 90 acres and support the spawning beds of over 60 warm water fish species, including muskellunge, perch, bass, walleye, northern pike, and salmon. This area is identified by the Lake Superior Binational Program as important habitat to the Lake Superior ecosystem for coastal wetlands as well as fish and wildlife spawning and nursery grounds. Adverse impacts to this area must be considered by the State Department under 42 U.S.C. 4321 Sec. 101(a) & (b)(1)(2)(3)(4). The Enbridge terminal is approximately 2 to 2.5 miles upstream from the mouth

of the Nemadji River and Superior harbor. The susceptibility of the river to waste discharges and spills became clear when several Burlington-Northern railway cars fell from the Highway 35 Bridge into the river on June 30, 1992. One tank car ruptured, releasing 34,000 gallons of a chemical mixture known as aromatic concentrates. Benzene makes up about 45 percent of the chemical mixture. Approximately 30,000 people in the Superior area had to evacuate as a cloud of chemical vapors drifted over the city, portions of Duluth, and the western tip of Lake Superior. Dying and distressed fish were observed in conjunction with the spill. Mortality estimates suggest thousands of fish died, including game, forage, and rough species. Distressed fish rose to the water's surface where they were exposed to the sheen of raw chemicals and vulnerable to predation by the many gulls observed feeding on them. Stormy weather and safety issues hampered spill response. Heavy rains following the spill may have helped disperse the materials and cold weather reduced vaporization. Containment booms helped recover some chemicals at the 31st St Bridge, but rising water levels and mixing during the 16-mile run downstream inhibited recovery. Most of material reached Superior Harbor within 30 to 50 hours after the spill. (WDNR Basin Plan). A spill from the Enbridge Terminal would only have 3.5 river miles to go before reaching Lake Superior. Recovery would be hampered by the fact that the spill will be "heavy oil" or diluted bitumen from the Alberta Clipper line. I remind the State Department that Enbridge Energy Partners LLP (Enbridge) had a 30-inch pipeline rupture on Monday, July 26, 2010, near Marshall, Michigan. The release, estimated at 843,000 gallons, entered Talmadge Creek and flowed into the Kalamazoo River 20 miles from my residence. Over one billion dollars has been spent on clean-up of the river which continues even today. This "heavy" oil sank, attaching itself to sediment in the water and settled behind dams. But it

travelled 35 miles. So a spill at the Enbridge Superior facility, like the one that occurred in 2003, would certainly reach Lake Superior and settle in the harbor. Rear Admiral Fred Midgette, commander of the Coast Guard's District 9, which includes the Great Lakes recently stated that Coast Guard response plans and organizations "are not capable of responding to heavy oil spills,..." in an Aug. 20, 2014 memo to the Coast Guard's Deputy Commandant for Operations. The cities of Duluth and Superior Duluth both draw their drinking water from Lake Superior. Lake Superior is an important historic and cultural part of our national heritage which the State Department must preserve. The State Department must fulfill their responsibility as trustee to future generations and deny this permit. The State Department must assure an esthetically pleasing Lake Superior. The State Department cannot risk the unintended consequences of a spill that affects the Nemadji River and Lake Superior.

I further note that the Nemadji River is part of the St. Louis River Area of Concern (AOC), which was designated by the Great Lakes Water Quality Agreement (WQA) between the United States and Canada in 1972. Nine beneficial use impairments have been recognized:

Restrictions on fish and wildlife consumption	Eutrophication or undesirable algae
Degradation of fish and wildlife populations	Beach closings
Fish tumors or other deformities	Degradation of aesthetics
Degradation of benthos	Loss of fish and wildlife habitat
Restrictions on dredging activities	

A Remedial Action Plan (RAP) was developed in 1987 to restore beneficial uses of this area. The goal of the RAP is to define problems and their causes, and then recommend actions and timetables to restore all beneficial uses of the AOCs. Restoring uses is to be achieved through implementation of programs and measures to control pollution sources and remediate

environmental problems (St. Louis River Citizens Action Committee). The State Department is required abide by the WQA and thus cannot permit new sources of pollution such as the Enbridge Terminal Expansion in violation of the WQO and this RAP.

The State Department is aware of the agreements made between Great Lakes States and Canadian Provinces which uphold and give priority to the public trust doctrine. The Great Lakes Charter of 1985 declares that “The water resources of the Great lakes basin are precious public natural resources, shared and held in trust by the Great lake States and Provinces.” The Great Lakes Charter Annex of 2001 reaffirms the public trust doctrine: “The Great Lakes are a bi-national public treasure and are held in trust by the Great Lakes States and Provinces.” The Great Lakes Compact reiterates this doctrine (The Great Lakes Basin waters are “precious public natural resources shared and held in trust”) and outlines the obligation this places on the States and Provinces: “As trustees of the Basin’s natural resources, The Great Lakes States and Provinces have a shared duty to protect, conserve, and manage the renewable but finite waters of the basin for the use, benefit and enjoyment of all their citizens, including generations yet to come.” This mirrors the language of 42 USC 4331 Sec 101 (b)(1) and this commenter believes the Department of State must uphold these agreements between Canada and the Great Lakes States.

2. Lake Superior is directly threatened by the Calumet LLC extension of this Enbridge Terminal expansion project

The Enbridge permit open for comments involves a separate project that directly threatens Lake Superior. Enbridge partner Calumet LLC has applied to the Wisconsin DNR for permit IP-NO-2013-16-00193 and permit IP-NO-2013-16-0001. These permits are both part of a project to

construct an oil tanker loading dock to ship heavy crude oil on Lake Superior by oil tanker and oil barge through the Great Lakes to eastern U.S. refineries and markets.

Lake Superior is the largest body of fresh water in the world. It contains almost 3,000 cubic miles of water with an average depth approaching 500 feet. The Lake stretches approximately 350 miles from west to east and 160 miles from north to south, with a shoreline almost 2,800 miles long. The drainage basin, totaling 49,300 square miles, encompasses parts of Michigan, Minnesota, Wisconsin, and Ontario.

Water scarcity already affects every continent on this planet. Around 1.2 billion people (1/5 of the world's population) live in areas of physical scarcity and another 500 million are approaching this situation. People living in the Great Lakes Basin remain unaware of this water crisis because of the natural abundance that surrounds us. But many areas of the United States are also experiencing water shortages and many more will face future water issues. By 2050 economists estimate that water will be a more valuable resource than oil is today.

16 communities draw their drinking water directly from Lake Superior: Ashland, Baraga, Beaver Bay, Cloquet (as backup water supply), Duluth, Grand Portage, Grand Marais, L'Anse, Marquette, Rossport, Silver bay, Sault Ste. Marie, Superior, Terrace Bay, Thunder Bay & Two Harbors. The drinking water of all these communities is threatened by this project. A major oil spill in Lake Superior would require all these communities to find an alternative source of drinking water for public consumption.

Minor spills occurring while loading of tankers and barges takes place at this facility will threaten the water supply of Superior and Duluth. Small and medium sized oil spills account for 95% of all incidents reported and 40% of these spills of 7 tonnes or less occurred during loading or discharging operations at ports or oil terminals according to the International Tanker Owners Pollution Federation Limited. While large spills have greatly declined over the years and now account for only 5% of all reported incidents, they still occur. Of the 1,350 reported large spills of 7 to 700 tonnes between 1970 and 2012, 390 occurred while loading or discharging. There have also been 41 spills of more than 700 tonnes during loading/discharging operations during the same period. There is an almost 100% certainty that there will be a spill at this Calumet LLC facility, if the State Dept. permits this project.

The U.S. Coast Guard, Oil Spill Compendium 2000 reports that there were 9,038 total spills in 1995, 9,335 in 1996, 8,624 in 1997, 8,315 in 1998, 8,539 in 1999, and 8,354 in 2000. These figures include open water, inland & restricted water, and loading/discharging incidents. While the volume of gallons spilled has declined greatly over the years due to increased regulations and safety requirements including double hulls, the number of spills has remained steady. This is because **80% of total oil discharges are caused by human error.**

It is also apparent that the double hull requirement mandated by the Oil Pollution Act of 1990 which has successfully reduced the volume of oil spills, has created issues that will impact this project. The two main issues are stress levels and corrosion. Double hulled tankers and barges operate with stress levels 30% higher than single hull vessels. This is compounded by the extensive use of high tensile steel in double hulled designs which also increases stress levels in a

vessel. Fatigue cracks are commonly found during inspections of double hull vessels, ranging from nuisance cracks to cracks severe enough to cause leaks or structural failure. In violent waters, these increased stress levels more than double the risk of buckling failure. As everyone familiar with Lake Superior knows, violent storms are common and can appear quickly.

Corrosion is the second issue affecting double hull ships. Corrosion can also lead to leaks and structural failure. The Oil Companies International Marine Forum identified corrosion as a serious concern. The normal rate of corrosion of uncoated cargo tank bottom plating is 0.10mm or less per year. However, annual wastage rates as high as 4.0mm have been reported on double hull ships less than 3 years old. The average steel thickness of tank walls is only 20.0mm. In addition, accelerated general corrosion up to 0.24mm per year has been found in vapor spaces. This accelerated corrosion rate, which is approximately 2 to 3 times that which would normally be anticipated, has been attributed to microbial induced processes accelerated by the “thermos effect” in double hulled vessels. Coatings also have a reduced service lifetime at more elevated temperatures as they lose elasticity. At the temperatures that are common in double hulled tanker designs, the time to embrittlement of the coating is approximately halved. Corrosion is essentially an inspection issue and since funds and staff for all forms of environmental inspections are being cut at both the state and federal level, this is a serious concern.

This oil being shipped from this proposed facility will be diluted bitumen piped to the loading dock from the Enbridge Terminal in Superior if the State Dept. approves this terminal expansion. Calumet LLC states that this proposed facility will ship up to 13 million barrels of crude per year pumped to Superior by Enbridge in Line 67, the Alberta Clipper. As we in Michigan so tragically

found out after the Kalamazoo River spill near Marshall Michigan, dilbit is a completely different product than regular oil. After the emulsifiers that allowed dilbit to flow through the pipeline evaporated, dilbit sank to the bottom of the river creating the most costly inland oil spill cleanup in U.S. history. Traditional techniques, such as clean up booms and surface skimmers were completely ineffective. A spill in the Duluth harbor would destroy the water quality of the harbor for decades and the Coast Guard's Marine Safety office in Duluth has zero ability to handle such an emergency if booms and skimmers are useless when employed. Rear Admiral Fred Midgette, commander of the Coast Guard's District 9, which includes the Great Lakes recently stated that Coast Guard response plans and organizations "are not capable of responding to heavy oil spills, particularly in open-water scenarios," in an Aug. 20, 2014 memo to the Coast Guard's Deputy Commandant for Operations. The Coast Guard Research and Development Center's June 2013 final report was frank on the limitations in dealing with heavy oil that sinks below the surface and makes traditional skimming recovery methods ineffective. "Current methods are inadequate to find and recover submerged oil, with responders having to reinvent the techniques on each occasion," the report states, later adding, "Responses to recent higher profile submerged oil spills have shown responders have almost no capability in detection and recovery." Even finding and tracking submerged oil is a challenge, said Kurt Hansen, a project manager at the Coast Guard's Research and Development Center at New London, Conn., specializing in oil spill response. "Once the oil goes below the surface, that sets a whole new set of problems," he said. "You're going to have to figure out if it's coming back up in tiny little droplets, because that's going to need one set of recovery response and surveillance. Or, if it goes to the bottom in a clump, that's going to need another set of response. And if it mixes with the silt and sand and dirt at the bottom, that's

going to need even a third set of response and information that you need.” Obviously, if the first responder (Coast Guard) is unprepared and incapable of dealing with a spill, the Enbridge Terminal expansion should not be issued a permit since the history of clearly shows that a spill is going to occur. May I remind the State Department that the Kalamazoo River is only 5 feet deep. Lake Superior is 500 feet deep. What are you going to do if you have a spill in open water?

Calumet LLC, the company which would be operating this proposed oil transfer loading dock just completed a new railcar oil-loading terminal last year, adding 18,000 feet of new track in a \$10 million project that allows them to fill 100-car unit trains with oil headed to eastern refineries. The commenter notes that there is absolutely no compelling public interest to endanger Lake Superior when this company has already invested in infrastructure to move oil to the east coast by rail. As a Pagan Druid who worships Lake Superior as a living deity and who drinks water taken directly from Lake Superior as part of his annual religious ceremonies, the State Department is required under the Religious Freedom Restoration Act 42 U.S. Code § 2000bb-1 (b) to show that issuing a permit for this Enbridge Terminal expansion is the least restrictive means of furthering a compelling governmental interest.

CONCLUSION

Under separation of powers principles within the Constitution, *criminal* prosecutions on behalf of the United States relating to liability of individuals complicit in the events leading up to and taking place on September 11, 2001 are considered to be executive functions under Article II of the U.S. Constitution, and ultimately come under the authority of the President to “take Care that the laws be faithfully executed.” (U.S. CONST., art. II, §3. See also *Morrison v. Olson*, 487

U.S. 654, 685 - 697 (1988), holding that federal law enforcement is an Article II, executive function). The Constitution defines treason in Article 3, Section 3, Clause 1: *Treason against the United States, shall consist only in levying War against them, or in adhering to their Enemies, giving them Aid and Comfort.* In deliberately allowing the 9/11 terrorists to carry out their plan of attack and in aiding them by running multiple war games on 9/11, Dick Cheney did levy war against the United States and gave the terrorists aid and comfort. The actions of Dick Cheney in planning, aiding and abetting the 9/11 “attack” should be investigated and I hereby request that President Obama authorize the Attorney General to appoint special counsel to investigate Dick Cheney’s role in the events of 9/11, because of the “extraordinary circumstances” and the “public interest” in appointing such counsel.

I also respectfully request that the Department of State deny a new Presidential Permit for Enbridge Energy to operate Line 67 to full design capacity because the Enbridge application violates 42 U.S.C § 4331 Sec. 101(b)(1)(2)(3)(4). I further request that the Department of State, under 42 U.S.C. § 4331 sec 102(2), use a systematic, interdisciplinary approach to consider the adverse environmental impacts of the project, long term consequences, and the irretrievable resources which the project may destroy under 42 U.S.C. § 4331 sec 102(2). The State Department must also consider the alternatives this commenter has raised and provide detailed analysis and recommendations regarding these alternatives in comparison to the new Enbridge Energy Line 67 application for a presidential permit. Finally I note that the Superior Terminal expansion must be considered separately and must absolutely be denied under 42 U.S.C § 4331 Sec. 101(b)(1)(2)(3)(4) and 42 U.S. Code § 2000bb–1 (b). The Department of State must recognize that water is life and that the precious resource that is Lake Superior must be protected. The

United States should look forward to the new energy paradigm of wind, water, and sun and not backwards to the previous century's dependence on hydrocarbons. History does not favor empires based on obsolete technologies.

Respectfully submitted,

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