

State of Wisconsin
DEPARTMENT OF NATURAL RESOURCES
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Madison, WI 53707-7921

Tony Evers, Governor
Karen Hyun, Ph.D., Secretary
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TTY Access via relay - 711



September 9, 2026

Laura Sayavedra
Senior Vice President
Safety, Projects & Chief Administrative Officer
Enbridge Energy
Limited Partnership
915 North Eldridge Parkway
Suite 1100
Houston, TX 77079

Dear Ms. Sayavedra,

Despite the ongoing communication between Enbridge and the Wisconsin Department of Natural Resources, Gov. Evers and I continue to be deeply concerned and incredibly frustrated by the decisions and actions of Enbridge in Wisconsin.

As you know, I expressed this concern and frustration in my letter to you on Aug. 27, 2026. Since that time, Enbridge has continued to add to the growing list of environmental concerns and violations, demonstrating disregard for the environment, human health, and the statutory authority of the department.

Regarding the Line 5 reroute construction, Enbridge has caused additional discharges to the environment since my earlier letter, which have caused continued frustration and profound unease for the department and the people of Wisconsin.

Additionally, at the location of the Line 5 Natural Gas Liquids (NGL) spill on August 25, Enbridge has made the decision to start unpermitted construction of a bypass, despite the extensive efforts of the DNR to educate Enbridge on the necessary permits and approvals for this bypass construction and a commitment to review submitted materials in a timely matter.

Based on this pattern of noncompliance demonstrated by Enbridge, my concern over the environmental impacts of Enbridge's activities over the past weeks has only heightened.

I appreciate that Enbridge took two days to perform safety training following the NGL spill. However, at this point, given that Enbridge has made decisions to prioritize restarting Line 5 without the necessary approvals from the department, **the department requests that Enbridge halt construction of the bypass so Enbridge can prioritize addressing the unresolved spill at the NGL spill site. Further, the people of Wisconsin expect and deserve that Enbridge takes the actions necessary to restore the environment and minimize the harmful effects of the discharge, especially with regards to the significant discharge of VOCs to the air.**

I look forward to your timely reply and your commitment to halting construction of the bypass to prioritize safety and the environment. In the meantime, because Enbridge's current actions are clearly beyond the scope of any existing permit, enclosed please find a Notice of Noncompliance that was issued today regarding the unpermitted bypass construction.

Sincerely,

A handwritten signature in black ink, appearing to read "Karen Hyun". The signature is fluid and cursive, with the first name "Karen" and last name "Hyun" clearly distinguishable.

Karen Hyun, Ph.D.
Secretary



September 9, 2026

Enbridge
Joe McGaver
11 East Superior Street, Suite 125
Duluth MN 55802

Subject: Notice of Noncompliance- Wetland Impacts, Waterway impacts, Stormwater Discharge Permit
FIN 73858, Township 47N, Range 1W, Section 35, Iron County.

Dear Mr. McGaver:

On September 4, 2026, Enbridge notified department staff that they were considering mobilizing to construct a temporary bypass around the mainline valve 7 site to bring Line 5 back in service while clean-up and repair efforts continue at the valve site where the August 25, 2026, rupture occurred. DNR then provided information to Enbridge about what permitting may be required for this type of project. On September 7, Enbridge notified the department that they were moving forward with construction of the temporary bypass without the needed authorization processed and approved by the department. Enbridge has been notified on multiple occasions that authorization would be required before commencing construction, but Enbridge has not received said authorization as of this writing.

The proposed project is located near mile post 1177 in the Town of Saxon, Township 47N, Range 1W, Section 35, Iron County. In conversations from September 5 to September 7, the department communicated that before construction commences, permits would be required for the proposed work and that the department required additional details to determine permit requirements. As of the date of this letter, Enbridge does not have coverage for the land-disturbing construction activities associated with the temporary bypass, nor authorization or permits necessary to proceed with work within wetlands and in or over waterways.

On September 8, 2026, department staff visited the site and observed matting placed in wetlands and land disturbance not covered under existing construction site stormwater permit. Additionally, the department determined that the unnamed tributary to Spoon Creek is a navigable waterway subject to ch. 30, Wis. Stats. regulations.

On September 9, 2026, department staff visited the site and observed additional matting placed in wetlands, 3 bridges placed across the unnamed tributary to Spoon Creek, and observed erosion control devices placed in a manner insufficient to prevent sedimentation in to adjacent waters of the state.

Written authorization pursuant to ss. 30.206 or 30.209, s. 281.36, and s. 30.123 Wis. Stats., is required prior to conducting work in wetlands and over waterways.

This site is considered part of a common plan of development with the Line 5 re-route project under s. NR 216.002(2), Wis. Adm. Code, otherwise covered under FIN 73858. However, the scope of work that has begun on the bypass around valve 7 is outside of project workspace subject to the existing permit coverage. Under s. NR 216.50(1), Wis. Adm. Code, Enbridge is required to notify the department at least 5 business days prior to making changes to the plans that show *change in design, construction, operation or maintenance at the construction site which has the reasonable potential for the discharge of pollutants and which has not otherwise been addressed in the erosion control and storm water management plans.*

The department had indicated to Enbridge on three separate occasions that amendments to erosion control plans may be eligible to discharge under the construction site general permit following the amendment process. The department provided Enbridge with comments on the September 5th plans that are necessary to meet the terms and conditions of the construction site general permit. Since these initial questions were posed, the department has received additional document submittals from Enbridge that remain under review. As of the date of this letter, the land disturbances, waterway crossings, and placement of matting in wetlands associated with the bypass do not have authorization to proceed.

This proposed work may also require authorization from the U.S. Army Corps of Engineers, Iron County, and/or the Town of Saxon. We strongly recommend that you contact them to determine whether other approvals are needed.

The project activities that have commenced to date are not in compliance with department regulations. The department will continue to monitor construction activities, document any additional elements of non-compliance, and may consider enforcement action as appropriate.

Sincerely,

A handwritten signature in black ink, appearing to read 'Kyle McLaughlin', written in a cursive style.

Kyle McLaughlin
Integration Services Section Manager

Email CC:

Bill Sande, USACE Project Manager
Shannon Dobbins-Haydin, WDNR Stormwater
Macaulay Haller, WDNR Office of Energy
Matt Jacobson, WDNR Stormwater
WDNR Conservation Warden